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SUBORDINATE EDUCATIONAL SERVICE *See* Questions.

SUBORDINATE EXECUTIVE SERVICE. *See* Questions.

SUBURBAN DRAINAGE PROJECT. *See* Questions.

SYED SHURFUDDIN *See* Shurfuddin.

T.

TENANCY. *See* Bengal Tenancy (Amendment) Bill, 1906.

THE BENGAL SMOKE NUISANCES ACT. *See* Questions.

THE BOILER FUND. *See* Questions

THE CALCUTTA AND SUBURBAN POLICE SUPERANNUATION FUND. *See* Questions.

THE CALCUTTA IMPROVEMENT SCHEME. *See* Questions.

THE DANTIA KHAL. *See* Questions.

THE DARJEELING MURDER CASE. *See* Questions.

THE GORAI BRIDGE ON THE EASTERN BENGAL STATE RAILWAY. *See* Questions.

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THE NORTHERN SALT LAKE. *See* Questions.

THE PUSA AGRICULTURAL COLLEGE AND EXPERIMENTAL FARM. *See* Questions.

THE RANCHI MODEL COLLEGE. *See* Questions.

THE REGISTRATION DEPARTMENT. *See* Questions.

THE SALT LAKE CHANNEL. *See* Questions.

THE SUBORDINATE EXECUTIVE SERVICE. *See* Questions

THE SUBORDINATE JUDICIAL SERVICE. *See* Questions.

THE SUBURBAN DRAINAGE. *See* Questions.

TOLLY'S NALLAH CANAL. *See* Questions.

TRANSFER OF SUB-DIVISIONAL HEAD-QUARTERS FROM RAJMAHAL TO SAHEBGANJ IN THE SONTHAL PARGANAS. *See* Questions.

U.

UPKEEP OF NAVIGABLE CHANNELS BETWEEN CALCUTTA AND EASTERN BENGAL. *See* Questions.

V.

VERNACULAR TEXT-BOOKS. *See* Questions.

VILLAGE ROADS. *See* Questions.

W.

WATER-SUPPLY REGISTERS IN THE MUFASSAL. *See* Questions.

WORKING OF SECTIONS 562 AND 563 OF THE CODE OF CRIMINAL PROCEDURE, 1898. *See* Questions

Z.

ZOOLOGICAL GARDEN. *See* Questions.

B. S. Press - 20-12-1905—12632—300—C. O. G.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Saturday, the 17th February, 1906, at 12 noon.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. L. HARE, C.S.I., C.I.E.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble BABU NALIN BEHARI SIRCAR, C.I.E.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble MR. J. D. NIMMO.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

[*Babu Jogendra Nath Mukherjee; Mr. Carlye; Babu Ambika Charan Mazumdar*]

QUESTIONS AND ANSWERS.

GROWTH OF COTTON IN BENGAL.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

(*a*) Will the Government be pleased to state if any steps have been taken by it since the creation of the Department of Agriculture, to stimulate the growth of cotton in the several districts of this Province? If so, what they are?

(*b*) Will the Government be pleased to state as far as possible, what experiments have been made by it and what results have been obtained, as regards the production of cotton in the several districts of this Province?

The Hon'ble MR. CARLYLE replied:—

"The Bengal Department of Agriculture was created in 1885. It is only since 1903 that the Department has taken steps to stimulate the growth of cotton.

"Attempts are being made (1) to improve the outturn and quality of local varieties of cotton by selection of seed in the important cotton-growing districts, and (2) to introduce superior varieties of cotton from Egypt and America, and from other Provinces in India.

"The Hon'ble Member is referred to the answer given to Question No. II of the Hon'ble Babu Ambika Charan Mazumdar asked at the Council Meeting of the 2nd December, 1905, for further details.

"Besides these steps, the Department has tried the following experiments at the farms under its charge; (1) comparison of the outturn of a few select varieties, and (2) production of superior hybrids of cross fertilisation. The past two or three years have been unfavourable for cotton cultivation in this Province, and the experiments have not given results that can be safely regarded as definite. It is intended to continue the experiments."

OPERATION OF THE LAND REVENUE SALE LAW.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

Will the Government be pleased to state:—

(*a*) Whether the 19 cases of hardship mentioned in the recent Government Resolution on the Administration of the Board of Revenue, Lower Provinces, for 1904-05, regarding the operation of the Land Revenue Sale Law, comprise only those cases in which the Hon'ble Members of the Board agreed with the Divisional Commissioners in their recommendations for annulment of sales on the ground of hardship?

(*b*) Whether there were any cases during the period 1904-05 in which such recommendations of the Divisional Commissioners on the ground of hardship were not acted upon by the Board of Revenue; if so, the number of such cases?

The Hon'ble MR. CARLYLE replied:—

"(*a*) The 19 cases mentioned in the Government Resolution on the Land Revenue Administration Report for the year 1904-1905 comprise only those cases in which the Board of Revenue agreed with the Divisional Commissioners in recommending the annulment of sales on the ground of hardship.

(*b*) There were only two cases during the year 1904-1905 in which the Board did not support the recommendations of Divisional Commissioners."

THE CALCUTTA AND SUBURBAN POLICE SUPERANNUATION FUND

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to state what was the outstanding balance of the Calcutta and Suburban Police Superannuation Fund, which has become vested in Government under the operation of the Calcutta and Suburban Police (Superannuation Fund) Act, 1905?

[*Mr. Shirres; Babu Ambika Charan Mazumdar; Mr. Carlyle; Mr. Larmour.*]

The Hon'ble MR. SHIRRES replied:—

"The balance of the Calcutta and Suburban Police Superannuation Fund which has become vested in Government is Rs. 3,48,540-8-7."

REDUCTION OF ESTABLISHMENTS IN CERTAIN OFFICES IN BENGAL.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to lay on the table a statement showing the reduction effected under the partition of Bengal in the establishments of the following offices, viz.:—the Bengal Secretariat, the Board of Revenue, the Public Works Department and in the offices of the Inspector-General of Police, the Commissioner of Excise, the Accountant-General, the Postmaster-General, the Inspector-General of Civil Hospitals, the Inspector-General of Registration, the Director of Land Records and Agriculture, the Director of Public Instruction and the Sanitary Commissioner for Bengal?

The Hon'ble MR. CARLYLE replied:—

"The question of the reduction to be effected in the offices named in the question is still under discussion with the Government of India."

THE BENGAL SMOKE-NUISANCES ACT.

The Hon'ble MR. LARMOUR asked:—

Will the Government be pleased to state when it is proposed to bring into operation the Bengal Smoke-Nuisances Act passed by this Council last year?

The Hon'ble MR. CARLYLE replied:—

"A Commission has been appointed under the terms of section 4 of the Act, and the members have been notified in the Calcutta Gazette of the 24th January. On the same date Mr. Nicholson, who has had large experience of similar work in England and who had arrived two days before in Calcutta was appointed Chief Inspector. It was not considered advisable to appoint the Commission until Mr. Nicholson arrived. He has been diligently studying local conditions since his arrival; and the Commission with his assistance will now frame rules under section 10 of the Act. As soon as these rules have been approved by the Governor General in Council, they will be notified; and the Act will then be operative."

REDUCTION OF FEES UNDER THE PUBLIC DEMANDS RECOVERY ACT.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to state whether it is or it is not a fact that considerable surpluses are annually left in almost every district out of the process fees realized for the service of notices and execution of certificates under the Public Demands Recovery Act? If so, will the Government be pleased to consider whether it is not feasible to make a reduction in the rate or rates at which such fees are levied at present?

The Hon'ble MR. CARLYLE replied:—

"In the great majority of certificate cases the process fee is the only charge made for all the work done in the Certificate and Nizarat and other departments in connection with the recovery of claims. Government is not prepared to say what surplus may fairly be held to accrue when all the charges which can legitimately be debited to this head are set off, and these charges are likely to be modified as a result of the inquiries which are now being made by the Commission appointed to inquire into ministerial salaries. In the opinion of Government the present charges are moderate, and do not call for reduction. At the same time, the possibility and propriety of reducing the fees are matters which will receive attention after receipt of the Commission's Report."

[*Mr. Gordon; Mr. Hare.*]

THE BENGAL DISORDERLY HOUSES BILL, 1905.

The Hon'ble MR. GORDON presented the Report of the Select Committee on the Bill to provide for the discontinuance of brothels and disorderly houses in certain localities in Bengal. He said:—

"The Bill has been amended in certain important particulars and the amendments are all shown in italics. Some of these amendments affected questions of principle, specially those referred to in paragraph 7 of the Report. This therefore required the sanction of the Government of India. The amendments have been forwarded to that Government and until the orders of the Government of India have been received the proceedings in this Council will remain pending.

THE BENGAL LAND REGISTRATION (AMENDMENT) BILL, 1905.

The Hon'ble MR. HARE presented the Report of the Select Committee on the Bill to amend the Land Registration Act, 1876. He said:—

"The amendments which have been proposed are very slight, and they are referred to in the Report of the Select Committee. I do not think therefore there is any occasion for me to make any remarks at present.

THE BENGAL COURT OF WARDS (AMENDMENT) BILL, 1905.

The Hon'ble MR. HARE presented the Report of the Select Committee on the Bill to amend the Court of Wards Act, 1879. He said:—

"I do not propose to ask your Honour for leave that the Report of the Select Committee on the Bill to amend the Court of Wards Act, 1879, be taken into consideration, nor do I propose to ask for permission that the Bill be considered in the form recommended by the Select Committee. The reason is that certain amendments which have not been before the Select Committee for their consideration have been put in rather late, and Government have not had sufficient time to consider them in their consequences fully. We think therefore that it would be better to adjourn that part of the Business to the next meeting of Council. I beg, therefore, to move that the Motion which stands in my name, namely, that the Report of the Select Committee on the Bill to amend the Court of Wards Act, 1879, be taken into consideration, be postponed to the next meeting of Council.

The Motion was put and agreed to.

The Council was then adjourned to Saturday, the 3rd March, 1906.

CALCUTTA;
The 26th February, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—12833—300—1-3-1906—C. P.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Saturday, the 3rd March, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. L. HARE, C.S.I., C.I.E.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble MR. J. D. NIMMO.

The Hon'ble MR. SYED SHUMFUDDIN.

[*Babu Ambika Charan Mazumdar; Mr. Shirres; Mr. Carlyle.*]

QUESTIONS AND ANSWERS.

BIRTHS AND DEATHS IN CALCUTTA AND IN THE PRESIDENCY AND BURDWAN DIVISIONS.

The Hon'ble Babu Ambika Charan Mazumdar, in the absence of the Hon'ble Mr. Chaudhuri, asked:—

Will the Government be pleased to lay on the table a tabular statement giving for the year 1905-06, the births and deaths (and in the case of the latter, showing in separate columns those due to fever and cholera and the total number of deaths and the rate per *mille*) in the town of Calcutta, and the different districts comprised in the Presidency and Burdwan Divisions of Bengal.

The Hon'ble Mr. Shirres replied:—

"A statement giving the information desired by the Hon'ble Member for the year 1905 has been laid upon the table."

Statement referred to in the above answer.

NAMES OF PLACES.	BIRTHS.		DEATHS.						REMARKS
			FROM FEVER.		FROM CHOLERA.		Total number	Rate per *mille*	
	Total number.	Rate per *mille*.	Total number	Rate per *mille*	Total number	Rate per *mille*.			
1	2	3	4	5	6	7	8	9	10
Calcutta	15,637	18·44	4,351	5·13	2,323	2·74	32,181	37·95	
Burdwan Division.									
Burdwan	50,332	32·84	38,847	25·34	4,301	2·80	54,629	35·65	
Birbhum	30,918	34·26	22,878	25·35	2,192	2·42	29,856	33·11	
Bankura	40,488	36·26	24,032	21·52	1,737	1·55	34,364	30·78	
Midnapore	93,056	34·36	63,874	22·89	10,037	3·70	93,830	33·64	
Hooghly	33,706	32·20	25,305	24·11	2,324	2·21	37,021	35·85	
Howrah ...	20,084	34·19	11,568	19·68	1,038	1·78	28,298	33·25	
Presidency Division									
24-Parganas ...	66,647	33·02	40,120	19·50	8,001	3·89	60,477	29·09	
Nadia ...	62,102	37·24	62,198	37·30	5,811	3·48	77,518	46·66	
Murshidabad	53,446	40·08	42,083	32·24	5,263	4·02	56,152	42·11	
Jessore ...	55,287	30·49	56,871	31·02	4,080	2·25	71,328	39·33	
Khulna	52,013	41·50	27,655	22·07	2,481	1·97	43,086	34·39	

SCARCITY IN BENGAL AND BIHAR.

The Hon'ble Babu Ambika Charan Mazumdar, in the absence of the Hon'ble Mr. Chaudhuri, asked:—

Does the Government apprehend a scarcity in Bengal and Bihar, owing to the partial failure of the winter crop and the gloomy prospects of the *rabi* crop? If so, which are the districts where the prospects are particularly bad? Does the Government propose to adopt any precautionary measures to cope with the scarcity and to avert distress amongst the cultivating classes.

The Hon'ble MR. CARLYLE replied:—

"Government does not apprehend any scarcity in Bengal and Bihar. The winter rice crop is estimated at 88 *per cent.* of a normal crop and the prospects of the *rabi* crop are still on the whole fair. The situation will be carefully watched, but no special precautionary measures seem to be necessary at present to avert distress among the cultivating classes."

[*Mr. Hare.*]

THE BENGAL COURT OF WARDS (AMENDMENT) BILL, 1905.

The Hon'ble Mr. Hare moved that the Report of the Select Committee on the Bill to amend the Court of Wards Act, 1879, be taken into consideration.

The motion was put and agreed to.

The Hon'ble Mr. Hare also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

He said:—"It is not necessary for me to say more than a very few words in moving that the Report of the Select Committee on the Bill to amend the Court of Wards Act, 1879, be taken into consideration.

"The criticisms on the Bill as it was originally presented which it is necessary to notice are confined principally to two points. The first is in regard to the penalty which will be incurred by creditors who withhold presentation of their claims. The Committee recommend that the penalty shall be forfeiture of interest. This is the least that can reasonably be inflicted. I may point out that a creditor, even when he does not expect immediate payment of his principal, is usually on the look-out for and continually demanding his interest, and it is very unlikely that he will fail to present his claim for interest repeatedly, and so will easily come to know that the Court has taken charge of the estate which owes him his debt. If no penalty for delay in submitting a claim is inflicted, it will clearly be advantageous for creditors who have claims carrying heavy interest to conceal their claims in order that the interest may mount up, as it is unlikely that they could easily obtain other equally profitable investments.

"The main argument, however, is that which has already been put forward and is referred to in paragraph 4 of the Report of the Select Committee, *viz.*, that unless the Court knows all the liabilities which an estate has to meet, the Court cannot safely ask any one to lend money to that estate.

"The other criticism which I notice is that which is referred to in paragraph 8 of the Report of the Select Committee; *viz.*, against the provision in the Bill for giving the Court of Wards power to retain an estate until its debts are cleared even in cases where the proprietor is not disqualified under section 6 (*c*) of the Court of Wards Act, *i.e.*, on his own application. In addition to the arguments which have been given in paragraph 8 of the Report of the Select Committee, I may mention that I have frequently had experience of the great difficulty of reclaiming estates which were heavily indebted whose proprietors were disqualified under the provisions of sections 6 (*a*) to 6 (*b*) of the Court of Wards Act. Such a case happens where a proprietor dies leaving his estate heavily encumbered. In the absence of any certainty that owing to death or other reasons the estate will not be removed from the Court's jurisdiction before a loan is repaid, people are very unwilling to lend money and onerous terms are demanded. When this is the case it becomes impossible to save the estate, and the Court cannot extend any protection to the disqualified proprietors. But those are just the cases where the Court's action is most needed and where an impartial on-looker would specially urge the Court to interfere and save the minor or widow from utter ruin. Where the proprietor has himself been improvident there is much to be said for letting him suffer the natural consequences of his improvidence, and such an one can expect much less sympathy than will be freely extended to his helpless dependants. It is surely unsound to give the Court larger powers of saving an estate for the benefit of an improvident proprietor than for the protection of helpless dependants of an improvident proprietor, such as a child or widow.

"There are some people, however, who while they will want such estates to be reclaimed and would wish the minors and widows to be saved from ruin, would not give the Court of Wards the necessary powers for fear these powers should be abused. This is irrational and there is no danger at all of any abuse. Proprietors cannot have their cake and eat it too, and this is so even if it is their

predecessors in interest who have eaten the cake. Extravagance must be followed by restriction, whether it is the Court of Wards who restrains the proprietor for a time from spending, or the restraint is imposed by the fact that the property has been all dissipated and there is nothing left to spend. I claim therefore that the proposed power ought to be given in the best interest of the proprietors, and I must confess I am much surprised that the objection is put forward by the Bihar Landholders' Association as it is essentialy a measure for their protection and benefit. This provision is the subject of certain amendments which have been proposed, and I have therefore considered it advisable to deal with it at some length.

"As regards the other provisions and modifications of the Bill I have only to bring to your notice that greater publicity is given to the action of the Court of Wards when taking charge of estates.

"The amendments which have been put down in my name are due to suggestions made by my learned friend the Hon'ble Advocate-General and will be explained as each one is considered."

Clause 3.

The Hon'ble Mr. Hare moved that in sub-section (*1*) of section 10A in clause 3 of the Bill, after the words "submit the same in writing to the Court," the words "at a place to be named in the notice," be inserted.

He said:—"The reason for this amendment is that it often happens that an estate has property in several districts. The rule is that it is managed by a Collector of one of these districts only, generally the one where the proprietor is resident or in which he has the largest amount of property, and in issuing the notice that Court will generally be mentioned. The creditor will have no difficulty in knowing where he has to send his information."

The motion was put and agreed to.

The Hon'ble Babu Ambika Charan Mazumdar, in the absence of the Hon'ble Babu Bhupendra Nath Basu, moved that in the proviso to section 10A in clause 3 of the Bill, the words "and allow, either wholly or in part," be inserted after the words "may consider."

The motion was put and agreed to.

The Hon'ble Babu Ambika Charan Mazumdar moved that in sub-section (*1*) of section 10B in clause 3 of the Bill, the words "within such time as the Court may appoint" be substituted for the words "at the same time."

He said:—"The first amendment which stands against my name refers to sub-section (*1*) of section 10B in clause 3 of the Bill. After requiring in the previous section all creditors to submit their claims to the Court of Wards within a given period, the present section prescribes the time when all documents relating to such claims must be produced; and the Select Committee recommend that that time should coincide with the filing of the written statement of such claims. This seems to me to lay down a rule, calculated not only to work hardship and injustice on the claimant, but also to unnecessarily fetter the discretion of the Court in many cases. Instances may easily be conceived where a claimant may be unable to produce along with his written statement documents which may be with his servant or agent and which would not therefore be legally out of his possession or control; and yet the case and its circumstances may be such as to induce the Court to accept such documents and settle with the creditor to the best advantage of the estate. To leave no discretion even to the Court in such cases would in my opinion be highly impolitic. It is not suggested that this provision is intended to prevent fabrication of documents; for six months' time would be quite enough for the purpose of those who may be inclined to do so, and the refusal of an additional time of a month or a fortnight would not be an appreciable safeguard against such practice. It is, however, said that this stringent provision is intended to expedite the disposal of all claims against a ward's estate. But can it be pretended that with the aid of this provision the Court will be in a position to

dispose of each claim on the very day or even within a fortnight of the presentation of the written statement? If not, then wherein is the necessity of shutting out the party in advance while the Court itself would be unable in many cases to take up the matter probably for months together? It goes without saying that the Collector who is the 'what not' of his district must take some time to arrange his file. I fail to see why should not a portion at least of that time be given to the claimant to arrange and file his documents. It will be remembered that the Civil Procedure Code, which is the recognized guide of procedure in all civil and revenue matters, allows some time to parties to produce their documents; and even in case of documents upon which a plaintiff may base his claim, it is permissible to a Court of Justice to allow them to be produced some time after the plaint has been filed. Upon all these considerations, I think the extraordinary stringency of the proposed clause in the Bill should be relaxed and a fair margin of discretion left in the Court itself to appoint the time within which under the circumstance of each case the documents should be produced."

The motion was put and agreed to.

The Hon'ble Mr. Hare moved that in sub-section (3) of section 10B in clause 3 of the Bill, for the words "is in the possession or under the control of the creditor" the words "to the knowledge of the creditor is in his possession, power or control," be substituted.

He said:—"This is a merely verbal alteration, and I do not intend to make any remarks upon it."

The motion was put and agreed to.

The Hon'ble Babu Ambika Charan Mazumdar moved that sub-section (5) of section 10B in clause 3 of the Bill be omitted.

He said:—"The next amendment which I have to move refers to sub-section (5) of section 10B in the same clause of the Bill. I fully appreciate the difficulties with which Courts of Wards are sometimes confronted in dealing with encumbered estates of which they have once assumed charge; but I must confess that I feel equally impressed that the Legislature, in dealing with a one-sided legislation like the present, cannot be too careful in seeing that in trying to avoid one difficulty it may not fall into another. In the Bill as originally drafted it was provided that any claim, not submitted to the Court within the prescribed period, 'shall be deemed to have been duly discharged.' Strong opposition was raised both in this Council as well as by the outside public against this most stringent proposal which entailed forfeiture of all claims not so submitted. The general law of limitation as well as various other considerations were referred to in support of the opposition. The Select Committee to which the Bill was then referred also report that they too recognise the force of this contention and the hardship to which the original proposal might lead in some cases; and they have accordingly proposed that a much lesser penalty might meet the requirements of the Court; *viz.*, instead of the forfeiture of the principal they have recommended the forfeiture of the interest only. So far so good, but does the Bill, as re-cast by the Select Committee, give effect to this intention? I submit not. If the inability of a creditor to produce the documents in support of his claim before the Court of Wards is to preclude him from using such documents ever after, then wherein is the difference between the provisions of the original and the amended Bill? Except perhaps only in the rare case of creditors who may submit their claims as well as their documents, and who even after so doing may have the misfortune to have their claims rejected by the Court, the difference, as it appears to me, would be one of circumlocution only. Let us take a concrete case by way of illustration. A, a creditor to the estate of a ward under a registered mortgage bond, fails to produce the bond before the Court within the appointed time. His claim being rejected by the Court of Wards, A brings a suit in the Civil Court to recover his claim. Under the present section he would be debarred from using the bond, and under the Law of Evidence he would be debarred from adducing other evidence of its contents. Clearly therefore, his suit would have to be dismissed, and the result of such a rule would be practically the forfeiture of the claim altogether, which the

Select Committee have agreed not to work. Then the inequitable nature of the rule may be further illustrated by another example. Supposing A and B are two creditors to the estate of a ward. After notice by the Court of Wards, A submits written statement of his claim, but for some reason or other A fails to produce in time the necessary document in support of his claim. B, however, for reasons best known to him, neither submits a written statement, nor puts in his document. Under the rule proposed A, who partially submitted to the authority of the Court, would receive the punishment, but B, who defied it, would be let off scot free Would such a result be fair or acceptable to the Government? I dare hope not. I have already pointed out that a document may be with a servant or an agent and as such it would not legally be out of possession of the party. Besides, is it necessary, Sir, to take such a drastic measure? There may be difficulties which the Court of Wards has to contend against in the present state of the law; but would not the forfeiture of interest, which is more often than not as large as the principal itself, be a sufficient warning to creditors to register their claims before it is lost to them for ever? And where they fail to do so, would not the heavy loss of interest be a sufficient punishment for their laches and more than a justifiable gain to the estate of the ward? It is no doubt to the credit of an enlightened Government like ours that it feels so deeply interested in the protection of improvident and incompetent proprietors, but, Sir, is there any real generosity in robbing Peter to pay Paul? Your Honour's Government cannot have the remotest idea of legalising fraud. If the reckless improvident proprietors are objects of commiseration, the legitimate interest of thrifty good people ought also to receive some consideration of the estate. They are the backbone of the economic organization of the country, and it would be a bad policy to hamper them too much. Let us not kill the goose that lays the golden egg. Whose fault is it that an estate becomes involved? And whose again that an accurate and a complete list of its debts is not submitted before the Court is led to assume its charge? Certainly not of the money-lender. Then, Sir, it is too well known that violent measures always defeat their own purposes. If we make the position of creditors so precarious, many a proprietor will fail to find money in the market, and the value of property will as a consequence depreciate. To avoid one difficulty we shall drift into another; and then there may not be much to choose between the ultimate gain and loss in the bargain."

The Hon'ble Mr. Hare said:—"I beg to oppose this motion. It seems to me that if a creditor does not produce his documents which are in his possession, power or control within such time as the Court may allow him, there is no practical hardship at all in his being told that he cannot produce them afterwards. Why should he conceal them and keep them back? The ordinary Civil Courts do not allow a man to reconsider what he shall put in in support of his claim. Why should the Court of Wards do more than the ordinary Civil Courts? I cannot see that there is any hardship whatever for a creditor who knows that he has got a certain document which is in his power or in his possession or control and does not produce it. If he wants a little time, he has only got to ask the Court, and the Court will not be unreasonable. If he does not then produce it, why should he be allowed to come in at any future time and say 'I have got something more?' The Courts are put in a false position altogether. They are asked to decide upon evidence before them. He does not put the evidence before them, but afterwards he goes to another Court and says 'I have got more evidence'. The first Court is useless in that case. For these reasons I must oppose this amendment."

The motion was then put and lost.

The Hon'ble Babu Ambika Charan Mazumdar also moved that in sub-section (*3*) of section 10B in clause 3 of the Bill, after the words "claiming under him" the words "in respect of such claim," be added.

He said:—"I have unfortunately lost the main amendment which I moved for the omission of sub-section (*3*), and I have now to move an amendment for modifying it. Sub-section (*3*) of section 10B as it now stands would seem to bar the reception of a document, not produced before a Court of Wards, in all suits

between a ward and his creditor. I presume, however, that it is not the intention of the Select Committee to enforce this penalty for all purposes, but that it is intended to confine its operation to the debt or claim which is the subject-matter of investigation by the Court of Wards only. If I am right in this presumption, the present wording of the section does not appear to me to be satisfactory. If on the contrary I am wrong in my interpretation of that intention, I have a serious objection to the provision of the sub-section under consideration. Supposing a creditor has a money claim against the estate of a ward which is contained in an entry in a book of account. The book also contains another entry showing payment of rent by the ward's estate to the creditor as landlord. The book is not produced before the Court of Wards as required by the sub-section. Would or would not the book with the second entry be admissible in a rent-suit between the ward and the creditor? Evidently it would. In that case I think the section ought to be made clearer. The use of the word 'creditor' may not be sufficient to clear up the point. So, with a view to make it unmistakable, the words 'in respect of such claim" should be distinctly mentioned. In the notice I have asked those words to be added to the section; but with your Honour's permission for grammatical connection I would have them inserted after the words 'against the ward.'"

The Hon'ble Mr. O'Kinealy said:—"I think the original motion of the Hon'ble Member was clearer than what is now suggested. What the section is meant to convey is this: that it shall not be admissible in evidence in any suit, and therefore the words would naturally come at the end of the section and not in the earlier part of the section which the Hon'ble Member wishes. I think it would be much clearer to add those words at the end of the section and not in the middle of it.

The Hon'ble Mr. Hare said:—"I accept the amendment as originally proposed."

The Hon'ble Babu Ambika Charan Mazumdar agreed to stick to his original amendment.

The original amendment was then put and agreed to.

The Hon'ble Babu Ambika Charan Mazumdar also moved that in section 107 in clause 3 of the Bill, after the words "assumed charge of such property," the words "and before any sale or complete satisfaction takes place," be introduced

He said:—"The next amendment which stands in my name in the notice paper relates to section 107 in clause 3 of the Bill. I admit that it would be but fair to give a Court of Wards some breathing time after it has assumed charge of an encumbered estate, and in that view it should have the power to ask a Civil Court to stay its execution proceedings against a ward's estate. But there ought to be a limitation to it both as regards time as well as stage. The Select Committee think that one year would be the reasonable limit for such applications. I will not join issue with them; but I must beg leave to differ from them that there should not be a similar limitation as regards the stage up to which and not beyond which such applications may be entertained. An execution proceeding does not necessarily terminate with a sale or satisfaction. A sale has to be confirmed and a satisfaction has to be certified and recorded. As the section in the Bill stands a Court of Wards would have power to stop an execution proceeding even after such sale or satisfaction has taken place and until the execution proceedings have completely terminated. The sale would introduce a third party, *viz.*, the purchaser in the case, and the reversal of it at the option of the Court might seriously prejudice his interest. I think the privilege of the Court ought to be extended up to the sale and no further. After a sale has once taken place the Court of Wards ought to be content with the remedy provided by the Civil Procedure Code for all debtors. It may deposit the amount and have the sale set aside."

The Hon'ble Mr. O'Kinealy said:—"As regards the addition of the words proposed by the Hon'ble Member, I think one part of the addition is unnecessary and the other I do not think ought to be adopted. For this reason, if a complete satisfaction has taken place then these execution proceedings must

[*Mr. O'Kinealy; Mr. Hare; Babu Ambika Charan Mazumdar; Mr. Gupta.*]

fail themselves because once there is complete satisfaction the decree cannot be further executed, and therefore I do not think, with great respect to the Hon'ble Babu Ambika Charan Mazumdar, that it is necessary in that case. And in the case of a sale we all know this, that when a sale takes place, that is merely the beginning of expensive proceedings in execution connected with whether the sale should be confirmed or not. Why should not the Court of Wards be enabled to stay proceedings so that it may be in a position to say 'we shall agree to the sale or we shall not agree to it or we shall make certain terms with the parties?' I do not think it would be a wise thing to say that the Court could not ask for a stay of the proceedings after the sale takes place, because as I say that is only the beginning of expensive proceedings which, if the Court of Wards were empowered to deal with, they might make an arrangement which would be beneficial to all."

The Hon'ble Mr. Hare said:—"I think it is unnecessary to accept this amendment, and I oppose it."

The motion was then put and lost.

The Hon'ble Mr. Hare moved that in sub-section (2) of section 10D in clause 3 of the Bill, after the words "binding upon the creditor" the words "and upon the ward" be added.

He said:—"This is a reasonable addition to make and is what we intended."

The motion was put and agreed to.

The Hon'ble Babu Ambika Charan Mazumdar moved that sub-section (3) of section 10D in clause 3 of the Bill be omitted, and that the following section be added after section 10E, namely:—

'10F. Subject to the provisions of sub-section (2) of section 10A, and sub-section (2) of section 10D, nothing in this Act shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a ward or his property.'

He said:—"The fifth amendment which I have to move refers to sub-section (3) of section 10D. It will be observed that there are two restrictive clauses provided in this Bill—One in section 10A, sub-section (2), with regard to forfeiture of interest, and the other provided in sub-section (2) of section 10D. It, of course, goes without saying that the jurisdiction of a Civil Court continues in all suits of a civil nature unless such jurisdiction is expressly barred by any special enactment. But then why provide this section at all? Out of two restrictive clauses why do you select one and say that nothing in it will bar a civil suit, while you remain altogether silent in the case of the other? This to my mind is likely to introduce an element of doubt which may in some instances lead to difficulties. Though brevity may be a recommendation of the Legislature, I think clearness ought also to be one of its aims, although it would not perhaps be altogether disadvantageous to the profession to which some of us belong that some doubt and uncertainty were left in every piece of legislation. Besides, the section as it has been worded seems to me to suffer from clumsiness both on account of its place as well as on account of its scope and bearing. I would prefer an independent section dealing with both the penal provisions and make the matter clear of all misconception. I would have no objection if the present clause were wholly omitted; but as it is, I would move that the clause be taken out of its place and an independent section provided as contained in my notice."

The Hon'ble Mr. Gupta said:—"I think the amendment proposed by my Hon'ble friend is quite unnecessary, as under section 10A only the interest is barred if a claim is not submitted to the Court of Wards. The right to bring a suit as regards a claim remains unaffected by this Act altogether. We are obliged to put in a provision in section 10D in regard to claims already submitted to the Court of Wards because it might possibly be open to doubt as to whether in respect of claims that have been submitted to the Court of Wards the claimant's right to bring a suit remains intact or not; so that this sub-section (2) of section 10D refers entirely to claims that have been submitted to the Court of Wards. Section 10D deals only with claims submitted

to the Court of Wards, and therefore the proviso stands in its proper place, but as regards section 10A it is quite unnecessary to declare that claims that have not been submitted to the Court of Wards may be brought again in a Civil Court because except as regards the interest no person's right to bring a suit is in any way interferred with. I do not think that there can be the least possibility of a doubt in this respect, and I think that my hon'ble friend's amendment is quite unnecessary."

The motion was then put and lost.

The Hon'ble Babu Ambika Charan Mazumdar also moved that in sub-section (*3*) of section 10D in clause 3 of the Bill, the words "and received by" be omitted.

He said:—"I have to move a small amendment to sub-section (*3*) of section 10D. That sub-section as drafted runs thus:—

'(*3*) Subject to the provisions of sub-section (*2*), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a ward or his property which has been submitted to and received by the Court of Wards.'

"I object to the words 'and received by;' for I do not understand why they are there. A party can only submit his claim to the Court, and that ought to be tantamount to reception by it. What can there be between the filing and the reception which necessitates the use of the expression *and received by the Court?* It must be a surplusage and surplusages are always foreign to legislation. These words, if allowed to stand, are likely to lead to doubts and consequent misinterpretation also, and I hope the Council will not agree to retain them."

The motion was put and agreed to.

The Hon'ble Babu Jogendra Nath Mukherjee moved that the following sub-section be added to section 10D in clause 3 of the Bill, namely:—

'(*4*) In calculating the period of limitation applicable to suits for the recovery of a claim which has been submitted to and received by the Court of Wards, the period from the date of submission of the claim up to the date of the communication of the Court's decision thereon to the creditor shall be excluded, and in cases where such claims are wholly or partly admitted by the Court, and its proposals or any modifications of them are accepted by the creditor in accordance with the provisions of clauses (*1*) and (*2*) of this section, a further period from the date of communication of the Court's decision, as aforesaid, to the date of termination of the Court's charge or superintendence of the property of the ward, shall be excluded.'

He said:—"In introducing this amendment I would submit to the Council that the necessity for the first portion of this amendment is obvious. The provisions of this Bill have introduced an adventitous condition of things requiring a creditor to submit his claims to the Court, and when he submits his claim he must necessarily expect some time to elapse between his act of submission and the communication of the Court's decision. Of course, if it was intended that during this time he should rush into Court to avoid limitation and try to obtain what is due to him, the object of this legislation would be frustrated.

"As regards the second portion of this amendment, there may be some diversity of opinion, and it has been suggested to me that the introduction of the words 'shall bind the ward' substitutes or introduces a fresh contract between the Court of Wards, representing the minor and the creditor, and therefore limitation would run from the date of the Court's decision. If that be the case, there will be no necessity for the second portion of this amendment, but I would submit that the words 'shall bind the ward' have been introduced since notice of my amendment was given. Still I would place before the Council for consideration this fact that the clause if retained in its entirety would undoubtedly place the matter in much clearer light than it would otherwise do. If it be explicitly stated in Council that by the words 'the ward shall also be bound' a fresh contract is introduced, that will serve my purpose equally well. With these few words I place the amendment before the Council for consideration."

[*Mr. Hare; Babu Jogendra Nath Mukherjee; Mr. O'Kinealy.*]

The Hon'ble Mr. Hare said:—"I accept this amendment in part, but not altogether. We are willing to add to the sub-section the following words:—

'(4) In calculating the period of limitation applicable to suits for the recovery of a claim which has been submitted to the Court of Wards, the period from the date of submission of the claim up to the communication of the Court's decision thereon to the creditor shall be excluded.'

"I think this would practically carry out the intention of the amendment, and that is as far as we are advised to go."

The amended motion was put and agreed to.

The Hon'ble Mr. Hare moved that in sub-section (*1*) of section 10E in clause 3 of the Bill, after the words "of the ward" the words "under this section" be added.

He said:—"The intention is to make it clear that matters have been put *in statu quo* in cases in which the Court after looking into the matter and making inquiries and ascertaining what the assets and liabilities are finds that it cannot interfere and resigns at once. I wish to make it clear that this section stands by itself as it were and is not to be construed as general."

The motion was put and agreed to.

The Hon'ble Babu Jogendra Nath Mukherjee moved that, after the word and figure "sub-section (*2*)" in sub section (*3*) (*c*) of section 10E in clause 3 of the Bill, the words "together with the security therefor, if any," be inserted.

He said:—"My reason for introducing this amendment is this: the Bill says that if a claim be not submitted within six months from the date specified in the Bill itself the interest shall be lost to the creditor, but if certain events happen the interest shall revive. Now the question is if there is a mortgage bond and if for payment of the interest security has been given in the bond and if the interest goes, can it be said that the security stands intact apart from the interest itself? That is a question which seems to me to be very doubtful, and if when the interest revives the security has gone out of existence altogether, to say that the security should revive with the interest is a proposition of law which does not seem to appear clearly anywhere. In section 43 of the Civil Procedure Code, the closing lines say that 'for the purpose of this section an obligation and a collateral security for its performance shall be deemed to constitute but one cause of action.' If at the time the interest is said to go out of existence it be argued that the security is kept alive, that by no means appears to be clear under the wording of section 43 of the Civil Procedure Code. It seems to me, Sir, that the object of Legislation is to state the intention of the Legislators in as clear and precise language as possible; and if by the introduction of these words the matter be cleared up, I would suggest that the words which stand in this amendment be adopted"

The Hon'ble Mr. O'Kinealy said:—"I do not think this amendment which is proposed by the Hon'ble Member is necessary. It would only have the effect of suggesting really that the word 'interest' in section 10A, sub-section (*2*), should not be held to have exactly the same meaning in section 10C; whereas as the Bill stands they both must be construed in the same way, and therefore I think the amendment is unnecessary."

The motion was then put and lost.

The Hon'ble Mr. Hare moved that for clause (*c*), sub-section (*2*) of section 10E in clause 3 of the Bill, the following be substituted, namely:—

"(*c*) the claims for interest barred under section 10A, sub-section (*2*), shall revive in case the debt or liability in respect of which the interest is claimed be not then barred by any law of limitation"

He said:—"I am advised that this would more clearly express the intention we had in view than the words as they originally stood."

The motion was put and agreed to.

The Hon'ble Mr. Hare also moved that in sub-section (*3*) of section 10E in clause 3 of the Bill, for the words "and enforce debts and liabilities" the words "claims for interest" be substituted.

[*Mr. Hare; Babu Jogendra Nath Mukherjee; Mr. Gupta.*]

He said:—"The reason is that we overlooked the fact that we had modified a section of the original Bill and we no longer barred the whole claim if it were not put forward, but only barred the claim for interest It was therefore necessary that in this section we should explain that the claim is as to interest to which we refer. The modification seems to be necessary."

The motion was put and agreed to.

The Hon'ble Babu Jogendra Nath Mukherjee moved that after the word "shall" in sub-section (3) of section 10E in clause 3 of the Bill, the words 'notwithstanding anything contained in section 43 of the Code of Civil Procedure' be inserted.

He said:—"My object in introducing this amendment will appear from a consideration of section 43 of the Code of Civil Procedure, which runs thus:—

'43. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.

'If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

'A person entitled to more than one remedy in respect of the same cause of action may sue for all or any of his remedies; but, if he omits (except with the leave of the Court obtained before the first hearing) to sue for any of such remedies, he shall not afterwards sue for the remedy so omitted.

'For the purpose of this section, an obligation and a collateral security for its performance shall be deemed to constitute but one cause of action.'

"It will be contended perhaps that the section deals with claims which a person is *entitled* to make in respect of the cause of action, and that the words 'is entitled to make' mean 'entitled to make at the moment that the claim is preferred' But such words are not to be found in this section 43 itself. It speaks generally of a title to sue. In cases of revival of interest, however, the title to that interest is not extinguished, but is only dormant. Therefore the case stands thus: a man is entitled to sue, but for some act of his own which is dependent entirely upon his own will, his remedy is not available to him for some time, and it may be argued that as he could have submitted his claim before, he is responsible for not having submitted it in time, and not having done so he has, by a voluntary act of his own, debarred himself of a remedy which the law gives him, the title to sue being in him all this time. So that, it seems to me that if a provision like the one contained in the proposed amendment was introduced it would make matters very clear, and there would be no danger of any interpretation like that I have submitted to the Council. I submit that it is not what any great lawyer would consider to be the correct meaning of this section of the Bill, that should weigh with the Hon'ble Members, but what the ordinary Courts would take the words to mean, and if by the introduction of a few words the Hon'ble Members can make the intention of the Legislature clear, they ought to do so."

The Hon'ble Mr. Gupta said:—"I think, Sir, this amendment of my hon'ble friend is not at all necessary. I do not think that any Court can possibly interpret section 43 in the way that my hon'ble friend apprehends it might. Section 43 of the Civil Procedure Code distinctly says that if any person being entitled to sue for a certain thing does not sue for it he shall be taken to have relinquished it. In this case under section 10A, if a man does not bring forward his claim before the Court of Wards his right to the interest does not lie dormant but the language of the Bill is that the claim shall cease to carry interest, so that when he brings his suit for the main claim he is absolutely debarred by the provisions of section 10A from suing for the interest and therefore section 43 of the Civil Procedure Code could not possibly apply. That section is really intended to apply to the case where a man voluntarily relinquishes a part of his claim or through negligence or oversight does not bring it. In such cases he cannot bring a supplementary suit in respect of the same cause of action. Here he is debarred by the statutory provisions of this Act from bringing a claim for interest, but when his claim revives again under the provisions of section 10E then he has a fresh cause of action in respect of that interest. He brings a claim to the interest which he could not possibly have brought under section

10A before. I think therefore, Sir, it is quite clear that section 43 of the Civil Procedure Code could not be interpreted by any Court to stand in his way of bringing a fresh suit for the interest when his claim to interest revives under section 10E. I think, therefore, the amendment is quite unnecessary."

The amendment was then put and lost.

Clause 4.

The Hon'ble Babu Ambika Charan Mazumdar moved that section 13A in clause 4 of the Bill, be omitted.

He said:—"Sir, I beg to oppose this new provision in the law on two grounds. In the first place I object on principle that a law which relates only to disqualified proprietors ought not to have operation when such disqualification ceases. A Court of Wards must be *functus officio* when there is no ward to protect. In the next place, I apprehend that if power is taken for the Court to retain charge of an estate even after the disqualification of a ward ceases, serious complications may arise. Government may often be misunderstood, its best intentions misinterpreted and undesirable friction may not unfrequently arise between a proprietor who has become qualified and the Court. I will not dilate upon this. The difficulties of the situation which is going to be created may be easily foreseen, and I would earnestly request the Council to consider the propriety of this new provision in the law relating to the Court of Wards which must be a misnomer if it is to have jurisdiction even where there is no ward or disqualified proprietor for the Court to retain charge of his estate."

The Hon'ble Mr. Hare said:—"I would ask Hon'ble Members of this Council to recollect what I said when I moved for leave for the consideration of the provisions of this Bill. The Hon'ble Member has said that this is entirely a new provision. In that I beg to differ from him and to point out that it is only partially a new provision. It is an extension of the law as it now stands. At present when a man is inextricably involved in difficulties he can come to the Court and say 'I am quite incompetent to manage this estate', and then if it is taken up by the Court it can be retained by the Court until such time as the debts have been paid off. We propose now to extend the same provision to other proprietors. The Hon'ble Member seems to imagine that the question of retention or release of an estate would be considered and decided when the new proprietor possibly becomes qualified or ceases to be disqualified. It is nothing of the kind. The question is practically considered and decided at the time when the estate first comes under the management of the Court of Wards. It is then that the Court of Wards have to decide whether they intend to take the estate and endeavour to redeem it, or whether they will stand aside and allow things to take their course. At that time they have to decide whether or not they can raise the necessary funds at a lower rate of interest than is already current on the debts due by the estate and whether by good management they can hope to redeem the estate. Whether they can do so or not depends upon what they can obtain in the way of a loan. The terms of a loan, as we all perfectly well know, depend entirely upon the security. If the security is good a loan will be given on easy terms; if the security is bad the Court will perhaps get no loan at all, or if it does obtain one it will be on onerous terms. Whatever risk there is must be paid for and it is therefore at the time when the estate is taken up that it would be decided for all practical purposes whether or not the estate is to be retained after the proprietor ceases to be disqualified. I therefore oppose this motion as powerfully as I can."

The motion was then put and lost.

The Hon'ble Babu Ambika Charan Mazumdar also moved that in section 13A in clause 4 of the Bill, the words and expression "with the consent of the proprietor at the time" be introduced after the words and expression "the Court may either withdraw from the charge of such property or."

He said:—"The object of this amendment is plain enough. I yet regret that my main amendment for the omission of this section has been lost; but let

[*Babu Ambika Charan Mazumdar; Mr. Hare; Babu Jogendra Nath Mukherjee.*]

us at all events minimise the effect of this dangerous section. If the Government is determined to prolong the period of its control even beyond the period of disqualification of a proprietor, let it do so at least with the consent of such proprietor. If the proprietor has become qualified to manage his property, what business is it of the Government still to stick to its management against his wishes? It is said that it might be to the advantage of the proprietor to do so; but I fail to understand why the Government should waste its generosity when it is no longer appreciated. Can the Government extend this generosity *ad infinitum*? If not why should it try to do so at all? I have already pointed out that such a step will lead to many complications, and there is every chance of the intention of the Government being misunderstood in many cases, particularly when the proprietor is able and desirous of taking over the property under his own management. Management by a Court of Wards is not altogether an inexpensive matter, and I think it is by no means desirable to interfere with the claims and wishes of the proprietors themselves. Certainly it is desirable to be just before being generous"

The Hon'ble Mr. Hare said:—"I think the Hon'ble Members who have just heard the remarks I have made will see clearly that it is absolutely impossible to accept this amendment. The Court has to give to a creditor who wishes to advance money to the Court a promise that it will retain the estate in order to enable the estate to be redeemed. If the Court has given the promise to him that it will retain the estate it must retain the estate. To give the successor of the disqualified proprietor an opportunity of coming in as soon as he comes of age and the disqualification ceases is to take the power out of the Court altogether and nullify the whole section."

The motion was then put and lost.

The Hon'ble Babu Jogendra Nath Mukherjee moved that in section 13A in clause 4 of the Bill, for the words "as the Court considers necessary to be discharged," the words "as the Court may have incurred for the benefit of the ward during his minority by taking advances from Trust Funds in the hands or under the supervision of Government", be substituted.

He said:—"My reason for placing this amendment for consideration before the Council is this: Section 6 of the Act provides for disqualification of proprietors and it has been already submitted by my Hon'ble friend Babu Ambika Charan Mazumdar that, apart from the question of disqualification, if the Court wishes to prolong its management in order to discharge certain debts, it may do so with the consent of the proprietor. If the proprietor is willing that the Court should manage his affairs after he attains majority, the case to my mind is provided for by sub-section (*c*) of section 6, which deals with persons as to whom the Local Government has declared on their own application, that they are disqualified. If therefore the proprietor wishes that the Court should manage his affairs the Court can do it under this sub-section (*c*), section 6; but what justification can the Court have to retain the management when the proprietor himself is unwilling that the Court should retain it. The reasons put forward, as I have understood them, are these: that the Court might obtain loans at a favourable rate of interest if the assurance was given to the creditor that the Court would undertake to repay them. Now this question of loans may refer to two state of things: first, to clear up those debts which were incurred by the proprietor's ancestors before the Court assumed management of the property, and secondly, those which the Court itself incurred for paying off the debts of the disqualified proprietor. As to the antecedent debts no such question arises as whether the Court should obtain loans on favourable terms, but if the Court chooses to obtain loans from outsiders to repay these antecedent loans it can do so only if it can obtain fresh loans on favourable terms. The Court can also incur debts for payment of the loans which may have been incurred by the proprietor or by the proprietor's agent between the time the Court assumes the management and the death of the previous owner only under favourable circumstances as to interest. In respect of such debts, it is stated in the Statement of Objects and Reasons of this Bill that the Trust Funds in the hands of Government or under the supervision of Government

might be laid under requisition, and that was the only object to be found stated in that statement regarding the introduction of this section, but in the Bill itself, as it has been pointed out by the Bihar Landholders' Association, there is no reference to Trust Funds at all. Now if the Court takes loans from outsiders and not from Trust Funds, why should there be any necessity for a section like this? The best intentions of the Court might be misunderstood by those very men whom it might seek to protect, and as it has been pointed out by my friend the Hon'ble Babu Ambika Charan Mazumdar, any interference of the Court against the wishes of the proprietor, simply for the purpose of paying off his debts may lead to unpleasant consequences. If the loans are obtained from the Trust Funds this amendment provides for the retention of the management of the disqualified proprietor's estate in the hands of the Court, and if only under these circumstances the management was retained, perhaps the possibilities of friction would be reduced to a minimum. The Court does not seek to manage the estates of all proprietors, but it is only in respect of a limited class that the Court steps in, and it seems to me that in a case where the proprietor himself is very unwilling to leave matters in the hands of the Court, after attainment of majority if the Court simply gets loans from outsiders and retains the management of the estate it would not be quite as satisfactory as it would be if the Court had retained the management in the case of loans obtained from Trust Funds alone. The high rate of interest to which reference has been made may be got rid of by obtaining advances from Trust Funds, and when this Fund was pointed to as the Fund from which relief might be obtained, why other sources of credit should be referred to as a ground for the introduction of this section as it stands is not very clear to me. I submit, Sir, that if any provision like that contained in section 13A must be introduced, it must be introduced in conection with section 6 of the Court of Wards Act, and not independently of it. With these remarks I beg to place the amendment before the Council."

The Hon'ble Mr. Hare said:—"I must oppose this amendment. It is not only the case that we shall tap Trust Funds especially, though certainly we hope to get large sums of money occasionally from Trust Funds, as it is one source from which we can obtain money, but all creditors if they are going to give us loans on a reasonable rate of interest will insist on good security. We are acting for the Trust Funds, and of course we won't lend as the Trustees unless the security is good, nor would any creditor acting for himself lend us money unless the security is good, and if the security is otherwise, he would undoubtedly charge a high rate of interest. I therefore must oppose this amendment and consider that it must be rejected. I do not see myself the hardship which is put forward. It seems to me a man must take what he is born to; if he finds that he has got to inherit an estate which is worthless, well if it is worthless he can't get over it; if he finds he is the inheritor of an estate which is in process of being redeemed but that it has got to be kept for a certain time under close management and he cannot touch it, well he has inherited that. I cannot see that there is any hardship in insisting that the promises which the Court have made and which alone have enabled the Court to take up the estate should be adhered to and that it should not be left to a successor to come in and set them aside and thus frustrate the whole of our intention."

The motion was then put and lost.

Clause 7.

The Hon'ble Mr. Hare moved that in clause (*a*) of section 60B in clause 7 of the Bill, after the word and figures "section 11" the words, figures and letter "or charge of whose property has been retained under section 13A," be inserted.

He said:—"We wish to make quite clear what has always been understood to be the present law that where an estate is taken over in order to pay off the debts, the ward, though he is able to incur debts in regard to any other property which he may have outside the estate, cannot hypothecate any property

of the estate. We wish to make this quite clear, and have therefore added these words. It does not alter the law as it now exists."

The motion was put and agreed to.

The Hon'ble Mr. Hare also moved that clause (*b*) of section 60B in clause 7 of the Bill be omitted.

He said:—"It has been pointed out to me by the Hon'ble the Advocate-General that the section as it is entered in the Bill would clash with the provisions of the Bengal Tenancy Act. It is also said that if that provision were retained the Court of Wards would not very often be made a Manager in such case. To that personally I should not be very much opposed. We are not anxious to be Managers, but at the same time I think the argument put forward that it would interfere with the provisions of the Bengal Tenancy Act is sound, and it also appears that the clause itself is unnecessary. It has been decided by the Privy Council, as I understand the decision, that where there are co-owners and a general Manager is put in for the body of co-owners, a fractional owner or co-owner can do anything he likes as regards his own share, but he cannot practically interfere with the management because, so far as his powers of interfering with the management are concerned, they have been superseded by the general Manager who has been appointed by the Civil Court. I have had no occasion myself to find any difficulty arising in the absence of this section, and I accept the proposal which has been strongly advanced by the Hon'ble Advocate-General that it is unnecessary and might therefore be omitted."

The motion was put and agreed to.

Clause 9.

The Hon'ble Babu Ambika Charan Mazumdar moved that the following clause be added to section 64A in clause 9 of the Bill, namely:—

'(*d*) by posting such notice on the Notice Boards in the offices of the Collector and of the Judge of the district in which the place named in the notice is situate.'

He said:—"Your Honour, I beg now to move my last amendment which is also the last in the notice paper. It refers to the publication of notices to creditors. The section provides for these notices being published in the Calcutta Gazette and some newspapers; but gazettes and newspapers are not so largely in circulation in this country as to give sufficient notice to money-lenders. Most of these people, however, frequent law Courts and have their agents to look after their interests in public offices. For notices and citations they look more to the notice board of the Collector and of the Judge than to the bewildering pages of the Gazette and the still more obscure columns of the newspaper. I suppose the Hon'ble Member in charge of the Bill will not have much difficulty in accepting this amendment."

The motion was put and agreed to.

The Hon'ble Mr. Hare moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Council was then adjourned to Saturday, the 10th March, 1906.

CALCUTTA;
The 26th March, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—12941—300—2-4-1906—K. D. L. & J. A.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Saturday, the 10th March, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. L. HARE, C.S.I., C.I.E.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. B. L. GUPTA.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. C. F. LAIMOOK.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASHI KAPR SAIYID WA IF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble MR. J. D. NIMMO.

The Hon'ble MR. SYED SHUKFUDDIN.

[*Babu Ambika Charan Mazumdar; Mr. Inglis; Mr. Hare.*]

QUESTION AND ANSWER.

THE GORAI BRIDGE ON THE EASTERN BENGAL STATE RAILWAY.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

(*a*) Is the Government aware that the open span of the Gorai Bridge on the Eastern Bengal State Railway is going to be reduced by bunding up a portion of the river on both sides? And will the Government be pleased to inquire if this is not likely to still further interfere with the water passage of the bridge and thereby materially affect the water-supply and the sanitation of the vast tract of country watered by this important channel?

(*b*) Will the Government be further pleased to inquire whether the Eastern Bengal State Railway is not responsible for the deterioration of such rivers as the Kumar, the Gorai, the Kaliganga and the Chandana, and whether it is either safe or desirable to permit any further interference with the natural course of any of these rivers in the interest of both water-supply as well as of sanitation of the country traversed by them?

The Hon'ble MR. INGLIS replied:—

"(*a*) It is the case that the land spans in the approach viaduct to the Gorai Bridge on the Eastern Bengal State Railway are being filled up. This Government was consulted, and it was found on inquiry that there was no objection to the measure which will have no appreciable effect on the capacity of the bridge to pass the flood discharge of the river.

"(*b*) There is no reason to suppose that the Eastern Bengal State Railway has been in any way responsible for the deterioration of the rivers mentioned."

THE BENGAL LAND REGISTRATION (AMENDMENT) BILL, 1905.

The Hon'ble MR. HARE moved that the Report of the Select Committee on the Bill to amend the Land Registration Act, 1876, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. HARE also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

Clause 2.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that the following be inserted after sub-clause (*1*) in clause 2 of the Bill, namely:—

"(*1a*) After clause (*3*) of the same section the following shall be inserted, namely:—

"(*3a*) 'interest' means and includes interest in an estate, or share of an estate or in any mauza or land within such estate for which a separate revenue may be payable to Government."

He said:—"It is a well-known fact that there is a large class of transfers in this country which refer neither to entire estates, nor to any specified share thereof; but which relate only to certain specified mauzas or kismats and sometimes merely to specific blocks of land included in such estate. These transfers are commonly called *khanda kharid*. The transferees in such cases pay their quota of the revenues to the Collector either with reference to the quinquennial papers, which sometimes gives the revenue assessed upon each mauza, or by private arrangement with other co-sharers. There is nothing objectionable in these transfers, and they have been always recognized by the Courts as conferring valid proprietary interests in such purchasers. But their position under the Land Registration Act has always been a difficult it not an anomolous one. Seldom if ever these purchasers are admi ted to registration of their names under the Act, and thus their position in relation to their tenants is rendered an extremely embarrassing one. Section 38 of the Act refers to the initial

registration; while section 42 deals with substituted registration upon transfers. But these sections refer to proprietors having any *interest* in an estate, while section 52, which provides for the inquiries to be held by the Collector, also speaks of such *interests* being the subject matter of the Collector's investigation. Unfortunately, however, the word 'interest' is nowhere defined in the Act. This omission has given rise to the difficulty in case of transfers other than those of entire estates or shares of estates to which I have drawn the attention of the Hon'ble Members. In 1890 the Board of Revenue issued a circular which practically precluded Collectors from recognising this class of transfers, and although a recent letter of the Board addressed to the Commissioner of the Presidency Division (No. 273A., dated the 7th June, 1898) seems to express a contrary opinion, the position of the transferees in such cases has not yet been cleared up, and in most places it continues to be as unsatisfactory as ever. Then it will be noticed that section 78 of the Act precludes all proprietors of estate from recovering rents from their tenants unless their names are registered under the Act. Thus the unfortunate purchasers of whom I am speaking are placed between two difficulties for neither of which they are responsible. The Collector finds himself unable to record their names, while the tenants are allowed to withhold their rents because their names are not registered by the Collector. This to my mind seems to be extremely unsatisfactory; and now that the Act has been allowed a much longer lease of life than usual, I hope the present opportunity will not be allowed to pass without some authoritative pronouncement being made to remedy this state of things. Either the scope of sections 38 and 42 should be widened by clearly defining the word 'interest' so as to include the cases of transfer to which reference has been made, or the operation of section 78 ought to be limited only to cases of proprietors of entire estates or specific shares of estates who are eligible for registration under the Act. I think a proper definition of the word 'interest' would remedy the evil complained of."

The Hon'ble Mr. Hare said:—"I would oppose this amendment. The intention is to widen the scope of the Act, as I understand it. No reasons were given to us before the present moment as to why this amendment should be introduced, but I now understand from the speech I have just heard that the intention of the Hon'ble Member is to widen the scope of the Act. I wish, however, to point out that so far from widening the scope of the Act he narrows it. I understand it is a rule of interpretation of all Acts that when you specify certain things as being included in a definition, you by implication exclude things which you do not specify. Now by mentioning estates which pay revenue to Government he excludes the estates which do not pay revenue to Government. As to estates which do not pay revenue to Government, you can have an interest in them, and under the Act at present such interests are recorded; but if we accepted this interpretation clause which is now proposed, you would exclude all those and the whole of the registers which we now keep, running into thousands of volumes and millions of interests would no longer be registered. I do not see that there is any necessity whatever for defining the word 'interest.' We have a definition of extent of interest which by implication gives a definition which is full and sufficient in my opinion. Clause 3 of section 2 of the Act as it now stands says:—"Extent of interest" means the share of interest in an estate or revenue-free property of which the person with respect to whom the words are used is in possession as proprietor or manager.' That includes estates which are revenue-paying and revenue-free properties also. The present definition would be less wide and less complete. I must, therefore, oppose this amendment, which I think answers no purpose whatever."

The motion was then put and lost.

The Hon'ble Mr Hare moved that in head (*b*) of sub-clause (*3*) of clause 2 of the Bill for the word "notified" the words "adopted by notification," be substituted.

He said:—"This is merely a verbal amendment in clause 2 of the Bill. I wish to alter the word 'notified' into 'adopted by notification.' It has been

pointed out that possibly the word 'notified' may be read to mean that at the time of making a survey a notification is issued to the effect that it is intended that the survey shall define mauzas, but that was not the wish or meaning. Many of the surveys which we shall now adopt as defining mauzas have already been made. The idea is to have a very clear and distinct boundary recorded of each mauza. The land-revenue survey was by units of mauzas and mauzas were defined in that survey. In the new surveys which we make in accordance with the record-of-rights we follow almost entirely the old revenue survey as regards boundaries, but here and there it is accepted as convenient where rivers have altered or boundaries have changed and for other reasons, to make a slight modification. We wish that those slight modifications should from the time of such surveys be adopted as defining the boundaries of mauzas. We therefore wish to adopt the words 'adopted by notification' so as to give us power to accept those surveys which have already been made as well as to accept any surveys which may be made in the future. I do not think the amendment requires any further explanation."

The motion was put and agreed to.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that in the definition of the word "mauza" in sub-clause (3) of clause 2 of the Bill, after the words "declare to constitute a mauza," the following words and expression be added "and includes every kismut, village, hamlet or tola or other subdivision of a mauza by whatever name such sub-division may be known in any district."

He said:—"My object in moving this amendment is this: The word "mauza" has been sought to be satisfactorily defined by this Bill, and it is said that wherever there is any local area which is not yet known by the name of any mauza, the Collector may, with the sanction of the Board of Revenue, by general or special order, declare such area to constitute a mauza. It seems to me that the wording of the old Act was wider and simpler, namely, that the word 'mauza' includes 'every kismut, village, hamlet or tola or other sub-division of a mauza by whatever name such subdivision may be known in any district.' All that I wish is that in the definition which we have now got may be retained the words I have quoted so as to make it more comprehensive and useful so long as a particular area may not be declared by the Collector to be a mauza. That is my object, and I submit it would be more comprehensive and it would not be at all a disadvantage to have it."

The Hon'ble MR. HARE said:—"I must oppose this amendment. I think it proceeds from misunderstanding to some extent of our intention. It is suggested that in the definition of the word 'mauza' in sub-clause (3) of clause 2 of the Bill, after the words 'declare to constitute a mauza' the words 'and includes every kismut, village, hamlet or tola or other sub-division of a mauza by whatever name such sub-division may be known in any district' be added. The word 'include' may mean that everything which is situated on the block which is called a mauza is part of that mauza. If that is what is meant, no words are necessary to explain that meaning; but if, on the other hand, by 'includes' he means that a kismut, village, hamlet or tola is to be synonimous with mauza and express the same thing as mauza, surely that would be very inconvenient and it is not true. A mauza is a defined area laid down by a scientific survey or laid down arbitrarily where there has been no scientific survey, by the Collector, but it is in all cases absolutely definite, and I imagine that if a Collector were laying down boundaries of his own free will, he would make some sort of a record of what he did; but in the case of a kismut, village, hamlet or tola, the expression is very indefinite. If you ask people in a village, they will say it means these houses or blocks of houses; but as to how far the land outside those houses it includes no two persons would agree. To say that a person has got four annas in the land of a kismut when the outside area is not defined or not capable of being laid down scientifically, accurately or precisely is to record something extremely indefinite and of very little value to anybody. I therefore oppose this, because I consider in no case would the addition be at all useful or convenient."

The motion was then put and lost.

[*Babu Ambika Charan Mazumdar; Mr. Hare.*]

Clause 11.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that in clause 11 of the Bill, after the proviso, the following be added, namely:—

"*Explanation.*—The term 'fee-simple waste-land lot' means plots of land commonly known by that name in the Darjeeling district."

He said:—"That expression has been for the first time used in connection with the Land Registration Act. The Select Committee in declining to define it have said that the term 'fee-simple waste-land lot' denotes only certain plots of land chiefly in the Darjeeling district; and as they are generally known by this title, it is not necessary to insert any definition thereof. I think upon their statement I am entitled to ask the Council to accept my explanation."

The Hon'ble MR. HARE said:—"I am advised that the proposed amendment is unnecessary. The Select Committee considered it unnecessary to make any such explanation or addition to the Bill. The term 'fee-simple waste-land lot' is a term which is expressed upon the deeds, which convey these blocks of land to their holders. It is not expressed in other cases, and I do not think there will be any difficulty whatever in knowing what is intended by the term."

The motion was then put and lost.

Clause 12.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR also moved that clause 12 of the Bill be omitted.

He said:—"The last point to which I have an amendment to lay before the Council is as to clause 12 of the Bill. My submission is that this clause be omitted. It is intended by this clause to levy a fee of Rs. 2 upon applications for opening separate accounts. As a justification for this imposition it is urged that similar applications under the Revenue Act are also charged with a fee. In my humble opinion the argument should be reversed. It should not be used for adding another imposition, but, on the contrary, as there is no such fee charged in the case of opening out of separate accounts under the Land Registration Act, there ought to be none under the Bengal Land-revenue Sales Act. It is not suggested that a separate establishment is required for the purpose, and I do not understand why we should impose a tax upon such applications, however small it may be. I submit that land is very heavily taxed in this country. A man purchases a property and pays a heavy stamp duty; then when he gets his name registered he pays the usual court-fees and so forth. It is not a small amount, and if at every step we tax the land, it would only increase the hardship and burden of landowners, however small each charge may be. I do not think therefore that we ought to impose this additional fee of Rs. 2."

The Hon'ble MR. HARE said:—"I ought to explain that the original amendment was intended to include certain separation of accounts which were not formerly included. I think there is no special reason why the separation of accounts made under the Bengal Land-revenue Sales Act should have been excluded. Fees were charged in the other two cases, where separations of account happened under the Land Registration Act. It seems desirable to keep all the separations of account on the same footing. We have considered this matter in the Select Committee, and we thought instead of the complicated calculations which had to be made in the case of a fee separation account under the Registration Act, it would be simpler to have a uniform fee of Rs. 2 in all cases. The fee does not seem very heavy. Nobody need apply for the separation of account if they do not wish to. It is intended for their benefit, and it does not seem unreasonable that they should pay for it. They have been paying this fee for the last 20 or 30 years. I think they might now pay in all cases uniformly, and that the fee is not an unreasonable one."

The motion was then put and lost.

The Hon'ble MR. HARE moved that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

[*Mr. Gordon; Babu Ambika Charan Mazumdar; Babu Jogendra Nath Mukherjee.*]

THE BENGAL DISORDERLY HOUSES BILL, 1905.

The Hon'ble MR GORDON moved that the Report of the Select Committee on the Bill to provide for the discontinuance of brothels and disorderly houses in certain localities in Bengal, be taken into consideration.

The motion was put and agreed to.

The Hon'ble MR. GORDON also moved that the clauses of the Bill be considered in the form recommended by the Select Committee.

Clause 2.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that in sub-clause (*1*) (*a*) of clause 2 of the Bill, the words "or of any place of public worship" be introduced after the word "students."

He said:—"The amendment which I propose speaks for itself, and I do not think I need say much to commend it to the acceptance of the Hon'ble Members. Doubtless there are obvious difficulties in extending the provisions of this measure to fairs and markets, but it seems to me that there are at least as good grounds for safeguarding the places of public worship as the educational institutions, and I should ask the Council to accept this amendment with a view to protect churches, mosques and temples from all disturbances and annoyances of dirty environments."

The Hon'ble MR. GORDON said:—"The proposal of the Hon'ble Member is not a new one. When the provisions of the proposed Bill were circulated for criticism, a suggestion was received that they should be extended to all places of public resort, such as places of worship, bathing ghâts, reading-rooms, etc. It was, however, pointed out that this would practically amount to restricting prostitutes to certain defined quarters of the town, and all that I think necessary to say now is that to include places of public worship would be to extend the Act far beyond the limits originally contemplated by the framers of it, and to introduce into it a new principle which has neither been submitted for general criticism nor has been approved by His Excellency the Governor General in Council. All that at present we desire to do is to protect our students and soldiers from contamination, and our respectable citizens from annoyance, and the question of interfering with the liberty of the people in places of public resorts involves considerations of a far wider scope than can be dealt with in the present discussion. I must therefore oppose the amendment."

The motion was then put and lost.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE moved that in sub-clause (*1*) (*a*) of clause 2 of the Bill, for the words "disorderly persons of any description" the words "dissolute and debauched persons," be substituted.

He said:—"I would invite the attention of the Hon'ble Members to the following facts in connection with the Bill as it now stands.

"The Bill does not lay down any procedure, nor does it make any statement as to the manner in which a Magistrate taking action under its provisions is to satisfy himself. He may or may not record any evidence. He may or may not record even any proceeding. The only thing, or I might say two things, he need do in writing is to issue a summons and to pass the final order. There is no provision for an appeal from that order. In this state of things it is absolutely necessary that the aim and scope of the Bill should be clearly conceived by the Legislature and then expressed in language as clear as possible.

"I would submit to the Hon'ble Members that so far as the main principle of the Bill is concerned and in so far as it aims at removing brothels and drinking-houses, where persons of an objectionable character assemble from the neighbourhood of educational institutions, boarding-houses and the like, every one, I may presume, has the fullest sympathy with it, and I would venture to express my thankfulness to Your Honour's Government for having introduced the present Bill.

"But apart from the matter of removal of brothels and drinking-houses from a certain neighbourhood, has the Bill set before itself any other objective?

That is a question which appears to me very much like a riddle. And the riddle seems to be contained in the words 'disorderly persons of any description.'

"What classes of persons are meant by those words? We have no means of discovering them, and the Report of the Select Committee tells us 'something must be left to the discretion and common sense of the Magistrate.'

"But I may say the Bill has not left 'something to the discretion and common sense of the Magistrate, but in fact everything.' If the words of the amendment I am going to propose be accepted, 'something' will necessarily be left to the Magistrate's discretion and common sense. It will tax his discretion to a degree in drawing the line between persons who may be classed as 'dissolute and debauched' and those who are just outside that limit, as it does in all cases where abstract principles have to be applied to concrete forms.

"Now, Sir, in the present instance the matter has been left in so much doubt and uncertainty that even District Magistrates and Divisional Commissioners have suggested that light may be thrown on it, so that they may know which way to proceed. These are the very persons who, I may say, will have to apply the law in practice.

"It seems to me that the words which are to be found in this Bill, are reproduced from section 43 of the Calcutta Police Act, but without the safeguards that are to be found in it. That section begins thus:—'On proof to the satisfaction of the Commissioner of Police or of a Magistrate, that a house is used as a common brothel, or lodging house for prostitutes or disorderly persons of any description.' The important words 'on proof' to be found in the Police Act are wanting in this Bill. As I have already submitted, it is not indicated in what way the Magistrate is to satisfy himself. So that here we have an important measure and the very ground on which the Magistrate is to base his decision is not indicated. The words in the Police Act 'a house which is used as a lodging-house for disorderly persons of any description' have a more definite and specific meaning than the words which are used in the present Bill. In the present Bill these words have been used in a detached sort of way, and it would be a house that is *used not as a lodging-house* but a house that is *used* by disorderly persons of any description whatever. So that I may venture to point out that there is a vast difference between the words 'disorderly persons of any description whatever' to be found in section 43 of the Calcutta Police Act and the way in which the words have been introduced in the present Bill. In order to realise the meaning of this phrase and to ascertain the doubts it might give rise to, I have consulted the Century Dictionary, and in the light of the explanation I have found there, the words instead of being elucidated seem to become worse and worse confounded by being used in the particular manner to be found in the Bill.

"Disorderly" is defined in the Century Dictionary as follows:—

'Lawless; violating or disposed to violate *law* and *good order*, or the restraints of morality: specifically, so conducted as to be a nuisance; *disreputable: as a "disorderly house."* In criminal law disorderly is a technical term which by statute covers a variety of offences '*against the public, peace, order, morals, or safety*'.

"In using particular words in an Act we must take into consideration how the public interpret them and how Magistrates who will have to apply the Act in practice would interpret them, because the only means by which they can discover the meaning of an Act is to consult the words themselves. If it is intended by this Act that only a certain class of persons should be prohibited from residing in a certain locality, let that be expressed in as clear terms as possible, and let it not give rise to complications hereafter, complications which may be of a very serious character. As I have already submitted to Hon'ble Members, there is no procedure laid down in the Bill, there is no appeal, there is no record of evidence, and I would here point out that the Bar Association of Comilla suggested that, in the first place, a preliminary notice should issue to show cause why proceedings should not be taken against the person charged, then evidence

[*Babu Jogendra Nath Mukherjee; Babu Ambika Charan Mazumdar; Mr. Chaudhuri; Mr. Gordon.*]

recorded and then an order should be finally passed and a right of appeal given. The Select Committee, however, have not taken the course suggested by them. The evident meaning is that the Select Committee did not like, at any rate, to make the matter more complex by laying down any procedure. But I venture to submit that if the procedure has been shortened, it is absolutely necessary that the aim and scope of the Bill should be defined in clearer terms than has been done. A strong body of opinion exists as to the particular phrase to be found in this Bill, and Divisional Commissioners and several District Magistrates have asked that the matter be placed beyond doubt by giving particulars. So that, in the present state of things I would submit that it would be far better if the words contained in the amendment which stands in my name were adopted. The words are not mine, and, as it has been pointed out by the Bengal Landholders' Association, they were used by an eminent Judge of England, Mr. Justice Hawkins, in the Criminal Law Amendment Act, and that being the case they have a further recommendation than anything said by me could achieve. With these words I beg to place the amendment for consideration before the Council."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"I support the amendment of my hon'ble friend Babu Jogendra Nath Mukerjee. The expression 'disorderly persons of *any description*' is very vague and is so wide as almost to bear an appearance of suspicion. Supposing there is a Music Hall, or a Theatre, or a Temple where it is customary to have certain kinds of ceremonies performed almost every evening. It may be the opinion of some people that these are disorderly things. Is it or is it not the object of the Legislative to make their intention clear and intelligible? If it is, then, I submit, the words suggested by the amendment should be accepted, and I fully support the amendment of my friend that instead of the words 'by disorderly persons of any description' the words 'dissolute and debauched persons' be substituted."

The Hon'ble MR. CHAUDHURI said:—"I support the Hon'ble Babu Jogendra Nath Mukerjee so far as this amendment is concerned. I need only mention that there cannot be any doubt as to the meaning of the expression 'disorderly houses' as used in this Bill, because it comes after the expression 'brothels' and, therefore, it must be taken to belong to the same order as brothels. But still, as has been pointed out by my hon'ble friend, the expression 'dissolute and debauched' is an expression well known in English law, and it will help our Magistrates in the interpretation of the section if we substitute that expression for the one that now stands before the word 'person.' I therefore beg to support the amendment."

The Hon'ble MR. GORDON said:—"The Hon'ble Member who has brought forward this amendment has relieved me from a very considerable amount of responsibility, because he has contented himself with pointing out that certain Divisional Commissioners, Magistrates and others are not able to understand the meaning of the words 'disorderly persons of any description.' If he had gone further and pointed out what would have been a more intelligible expression, such as the Commissioners, Magistrates and others would have been able to understand, then he might have given us some assistance, but I shall proceed to show that the words 'dissolute and debauched' which he wishes to substitute are much more vague than the words we are using and which were taken from a series of English enactments extending over a very considerable period. He has told us that the words which he has quoted were used by the eminent Mr. Justice Hawkins in a speech upon the amendment of the Criminal Law. That may or may not be so. I am not aware of that. All I do know is that the words were suggested to us by the Bengal Landholders' Association, who said they took them from a book entitled 'Hawkins' Pleas of the Crown' published in the year 1824. It is not now very easily obtainable, and probably the Bengal Landholders' Association have never seen it.

"It is not clear why the substitution of the words 'dissolute and debauched persons' is desired. It is not suggested that they are to be found in any enactment recited in the book which I have mentioned or elsewhere. They

are merely contained in some observations on the law relating to disorderly houses where the author points out that the object of the law is for the preservation of peace and for the prevention of dissolute and debauched persons gathering together to disturb it.

"The objection to the use of such words in an enactment of the Legislature may be briefly summed up as follows. The words 'dissolute' and 'debauched' are both of exceedingly vague signification, and it would be practically impossible for a Magistrate to hold that any particular person could be characterised as either the one or the other.

"On the other hand, disorder connotes definite conduct of which evidence can be offered in a Court of Law, and while no witness could testify to a person being dissolute or debauched except by inference, the proof of his having acted in a disorderly manner would be easy.

"That the word 'disorderly' comprises all that is meant by dissoluteness or debauchery is apparent from the definition to be found in another dictionary to which I have referred, where it will be seen that disorderly in a legal sense is 'offensive to good manners and public decency; notoriously offensive as a disorderly house.'

"The word 'dissolute, on the other hand' is defined as 'loose in morals and conduct; recklessly abandoned to sensual pleasures, profligate, wanton, lewd, debauched.' The word 'debauched' is defined as dissolute and dissipated.

"It will thus be seen that while an author of a commentary on law may, for the purpose of illustration, use such words as dissolute, debauched, immoral, vicious, lewd, it by no means follows that he intends to suggest that they would be more appropriate in the text of an Act. I submit therefore that the present words are both in a legal as well as in a popular sense more suitable than those of the amendment."

The motion was then put and lost.

The Hon'ble Babu Jogendra Nath Mukherjee also moved that in sub-clause (*1*) (*a*) of clause 2 of the Bill, for the words "by disorderly persons of any description" the words "as a disorderly house," be substituted.

He said:—"So far as I can see there may be some covert meaning in the words 'disorderly persons of any description.' There cannot be any possible objection to the alternative proposed by me. We have seen that Magistrates and Judges have interpreted the prefix 'dis' in a way which is not acceptable to the public. So any Magistrate who may have some reason of his own may interpret the words 'disorderly persons of any description' as persons who are not orderly. We have nothing to suggest that he is prevented from coming to that conclusion. The words do not mean 'brothels' alone otherwise why should there be a statement in the Statement of Objects and Reasons to the effect that the Bill is one to provide for the discontinuance of brothels and disorderly houses in certain localities in Bengal? But between the two I submit that the phrase 'disorderly house' has acquired a more specific sense than the phrase 'disorderly persons of any description,' and one Commissioner of a Division has actually suggested that the phrase 'disorderly house' be substituted for, or rather it would be preferable to have those words in place of, the words 'disorderly persons of any description.' So that if any Hon'ble Member thinks of opposing this amendment one would like to know what classes of persons are meant by 'disorderly persons of any description' beyond what can be conveyed by the phrase 'as a disorderly house.' There must be two answers: either there is a class of indeterminate persons who cannot be called up for the present before us, and whose position cannot be examined, or it must be said that we mean to say that besides those who do not strictly come within the signification of the phrase 'disorderly house'; there are others, but who these others are we won't say. Surely that is not a very justifiable position. With these remarks I beg to place my amendment before the Council."

The Hon'ble Mr. Gordon said:—"I have no particular objection to the amendment except that it seems to me to be entirely unnecessary. The words which are used in the Act have been taken, as already quoted by the Hon'ble

Member, from the Police Act, and it seems to me that they are more suitable than the words he proposes to use. I would prefer therefore to keep the words as they are."

The motion being put, the Council divided as follows:—

Ayes 5.	*Noes 12.*
The Hon'ble Babu Ambika Charan Mazumdar.	The Hon'ble Mr. Slacke.
The Hon'ble Mr. Chaudhuri.	The Hon'ble Mr. Gupta.
The Hon'ble Raja Ban Behari Kapur.	The Hon'ble Mr. O'Kinealy.
The Hon'ble Babu Jogendra Nath Mukherjee.	The Hon'ble Mr. Collin.
The Hon'ble Mr. Syed Shurfuddin.	The Hon'ble Mr. Carlyle.
	The Hon'ble Mr. Inglis.
	The Hon'ble Mr. Shirres.
	The Hon'ble Mr. Gordon.
	The Hon'ble Mr. Allen.
	The Hon'ble Mr. Larmour.
	The Hon'ble Asif Kadr Saiyid Wasif Ali Mirza, of Murshidabad.
	The Hon'ble Mr. Nimmo.

So the amendment was lost.

The Hon'ble MR. GORDON moved that in sub-clause (1) of clause 2 of the Bill the words "or, if the Magistrate deems fit, to vacate such house," be omitted.

He said:—"These words were an addition introduced by the Select Committee, and involving as they did a question of principle were referred to the Government of India for approval. His Excellency the Governor General in Council considers that the provision is exceedingly drastic, and goes further than any enactment of which he is aware. He further points out that the consequences of such a provision do not seem to have been considered. There is no definite time stated during which the house is to remain vacant, and it is not clear that the position would be as between a lessor and a lessee, or whether new leases could be granted before such a prohibition was withdrawn. The Government of India consider that such a law might press hardly upon an innocent tenant, and suggest that it may be withdrawn. I beg therefore to move the withdrawal of the words above quoted."

The motion was put and agreed to.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR moved that the following proviso be added after proviso (*ii*) to sub-clause (1) of clause 2, namely:—

"or (*iii*) on the report of the Commissioners of the Municipality concerned."

He said:—"The next amendment which stands against my name refers to the proviso to clause (2) of the Bill. As a safeguard against all malicious and harassing prosecutions it has been very properly provided that no action shall be taken under this section except with the sanction of the District Magistrate, or on the complaint of three or more neighbouring residents. This is all very good, but any one conversant with these nuisances in a mufassal town must know that it may often be difficult to find three persons to complain against such nuisances, although there may be a couple of respectable neighbours who may be seriously suffering from them. To my mind there is a legally constituted agency which is directly interested in controlling these disorderly houses, and if the salutary provisions of the law are to have any effect they ought not to be ignored in the matter. This agency is the Municipal Corporation of each town. It is the Municipal Commissioners, more than any number of their ratepayers, that ought to be vested with the right of moving the legal machinery in such cases. Their initiation would carry with it the further guarantee that the prosecution has been maturally considered, and that it is not the outcome of malice or of any private grudge. Indeed I once

[*Mr. Chaudhuri; Mr. Gordon; Babu Ambika Charan Mazumdar.*]

thought of moving that the second proviso might be taken out, and the amendment which I have to move be substituted in its place. But upon further consideration I have come to the conclusion that a second string is always very useful, so both the provisos might be retained."

The Hon'ble MR. CHAUDHURI said:—"I entirely support my hon'ble friend Babu Ambika Charan Mazumdar with regard to this amendment and I do not see what possible objection there can be to it. Since power is given to three respectable neighbours to complain, it is much safer to confer the same power on the Municipal Commissioners. When private individuals are agreed as to such nuisances, clause 2 (*1*) proviso (*ii*) will enable them to move the Magistrate with regard to the removal of such nuisances. Although the scope of the present Bill is limited to Municipal towns, yet power is taken under it by the Local Government to extend its operation to non-municipal areas. When this is done, action may have to be taken at the instance of three or more private individuals. But in municipal towns private individuals may not care to figure as complainants, but they will prefer immensely more to draw the attention of a Municipal Commissioner to the nuisance, and the latter may consult his colleagues and move in the matter in the official capacity. The Municipal Commissioners are also sure to inquire before taking action, and this would minimise the chances of frivolous applications. The amendment will thus safeguard public interests and at the same time the interests of private individuals. I therefore commend its acceptance by the Council."

The Hon'ble MR. GORDON said:—"There is no very serious objection to this amendment, though I have been unable to understand what the nature of the safeguard, of which the Hon'ble Member who has just sat down, has spoken. He says it would be far safer if the Commissioners of the Municipality are allowed to complain to the Magistrate and the Magistrate takes action under this Act. How that can safeguard the interests of anybody it is not very easy for me to understand.

"This amendment raises a new question which is practically one of procedure only. It is not very clear why the Commissioners of a municipality should wish to take action against the occupiers of any particular house unless there was some complaint by the persons resident in the locality or if they wish to object on the ground that the house is a danger to the educational institutions or cantonment why they cannot apply for the sanction of the District Magistrate. The amendment seems to me to be superfluous and I must therefore oppose it."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"With Your Honour's permission I beg to say a few words in reply. I do not understand what possible objection there can be in accepting this amendment. The Hon'ble Member in charge of this Bill says he has no particular objection, but he thinks it is not necessary and he fails to understand how the proposed amendment could safeguard the interest of anybody. May I ask why it has been thought necessary to provide for the sanction of the Magistrate or to invite three of the ratepayers of the Municipality to complain? They may not be even ratepayers. It is obviously intended to safeguard against malicious prosecutions, and therefore there are two things provided, namely, that a prosecution should be instituted only with the permission of the Magistrate or upon the complaint of at least three individuals. That gives some guarantee, but I say let us have a much better guarantee. Why three persons only, let us have the Municipality itself to complain in such cases. Private persons may have private reasons for lodging or withholding a complaint which would not exist in the case of Municipal Commissioners. If there is no safeguard in giving the power to the Municipal Commissioners, there is absolutely none in giving it to three private individuals. I think this amendment ought to be accepted, not simply in the interests of the prosecution itself, but also to ensure the proper working of the Act, otherwise the law may remain a dead letter. I hope the Council will see its way to accept the amendment."

The motion being put, the Council divided as follows:—

Ayes 13.	*Noes 4.*
The Hon'ble Mr. Slacke.	The Hon'ble Mr. O'Kinealy.
The Hon'ble Mr. Gupta.	The Hon'ble Mr. Inglis.
The Hon'ble Mr. Collin.	The Hon'ble Mr. Shirres.
The Hon'ble Mr. Carlyle.	The Hon'ble Mr. Gordon.
The Hon'ble Mr. Allen.	
The Hon'ble Mr. Larmour.	
The Hon'ble Babu Ambika Charan Mazumdar.	
The Hon'ble Mr. Chaudhuri.	
The Hon'ble Asif Kadr Saiyid Wasif Ali Mirza, of Murshidabad.	
The Hon'ble Raja Ban Behari Kapur.	
The Hon'ble Babu Jogendra Nath Mukherjee.	
The Hon'ble Mr. Nimmo.	
The Hon'ble Mr. Syed Shurfuddin.	

So the amendment was carried.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE moved that after proviso (*ii*) to sub-clause (*1*) of clause 2 of the Bill, the following clause be added, namely:—

> "Where the owner of such house does not reside on the premises thereof, the summons on him as hereinbefore prescribed shall direct him to appear in person or by agent."

He said:—"I am not certain that I have expressed very clearly what I mean, and with Your Honour's permission I would prefer to alter my amendment as follows:—

'Where the owner of such house does not reside on the premises thereof, the summons on him as hereinbefore prescribed shall give him the option of appearing in person or by agent.' What I wish to make quite clear is that in the summons an option should be given to the persons summoned, to appear either in person or by agent. This I beg to submit does not introduce any novelty in the Act itself, and where there is an absent landlord who does not know anything about the occupation of the house, it will be undesirable to make him appear in person in any case. As was pointed out by the Bihar Landholders' Association even the Maharaja of Tikari might be summoned to appear in person under the provisions of the Bill. It is desirable therefore that there should be a provision in the Bill to the effect mentioned in the amendment. It makes the law much safer and does not take away anything from the value of the Act itself. I need not say anything more in support of the amendment."

The Hon'ble MR. GORDON said:—"With regard to this amendment all that it seems necessary to say is that the section follows the procedure laid down in section 204 of the Criminal Procedure Code. That section provides for the issue of summons for the attendance of the accused. Section 205, however, provides that in all cases when a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused and permit him to appear by his pleader. I think it may be said to have been taken for granted by the framers of this Bill that the Magistrate would, in the case of all persons concerned, whether owners, tenants, managers or occupiers, allow them to appear by pleader or agent. It seems to me that in a case of this description it is not so much the personal attendance of the person against whom the information has been laid that is required as the appearance of some one who can show cause why an order should not be made. I am willing to accept the amendment as it stands or add the words 'either in person or by agent' after the words 'appear before him' in the original clause."

The Hon'ble BABU JOGENDRA NATH MUKHERJEE said:—"I have no objection to the amendment proposed by the Hon'ble Member, namely, the introduction of the words 'in person or by agent,' after the words 'appear before

him' but what led me to suggest the amendment was the following passage in the report of the Select Committee:—

'We have discussed the objections put forward by the Bihar Landholders' Association and others to the inclusion in the Bill of "owners" among those made liable to be summoned. While fully realizing that in some cases the owner of a house used as a brothel may be totally ignorant of such use, still we cannot lose sight of the fact that in a great many cases the owners are not only cognisant of that use, but intentionally let their houses to prostitutes as a means of profit to themselves. We therefore do not deem it advisable to omit "owners" from the category of persons responsible.'

"I thought therefore it would be far better if in the case of owners who do not reside on the premises the summons should give them the option of appearing either in person or by an agent. But if we are going to extend this to other classes of persons also, it is just as well that it should be so."

The Hon'ble MR. GUPTA said:—"I think it would be better to have the amendment 'in person or by agent' after the words 'appear before him.' A man is not going to be punished even in the case of an offence. The Criminal Procedure Code gives the Magistrate a discretion to allow an accused person to appear in person or by agent. The object of this amendment is to give the accused person the option of appearing in person or by agent, and I think we may give that option in all cases where a summons is served under this Act."

The motion was then put in the amended form and carried.

The Hon'ble MR. GORDON moved that in sub-clause (*2*) of clause 2 of the Bill the words "or remains unvacated, as the case may be," be omitted.

He said:—"As we omitted the words 'or if the Magistrate deems fit to vacate such house' at the end of sub-clause (*1*) of clause 2 of the Bill it is necessary that the words 'or remains unvacated, as the case may be' in sub-clause (*2*) of clause 2 of the Bill should be also omitted.

The motion was put and agreed to.

The Hon'ble MR. GORDON also moved that the Bill, as settled in Council be passed.

The motion was put and agreed to.

The Council was then adjourned to Saturday, the 24th March, 1906.

CALCUTTA,
The 26th March, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—1294S—300—30-3-1906—E. J. H.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Saturday, the 24th March, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. L. HARE, C.S.I., C.I.E.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. C. F. LARMOUR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble MR. J. D. NIMMO.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. SYED SHUHFUDDIN.

NEW MEMBER.

The Hon'ble MR. T. W. RICHARDSON took his seat in Council.

[*Babu Ambika Charan Mazumdar; Mr. Richardson.*]

QUESTIONS AND ANSWERS.

GUN-LICENSES IN BENGAL.

The Hon'ble BABU BHUPENDRA NATH BASU, in the absence of the Hon'ble BABU AMBIKA CHARAN MAZUMDAR, said:—

On examining the statement relating to the grant of licenses for firearms, which the Government was pleased to furnish in answer to a question of mine asked at a meeting of the Council held on the 19th August, 1905, it is observed that there has been a visible tendency towards gradual reduction of such licenses every year, so that the total number of such licenses, in Forms VIII to XI, which in 1900 stood at a little over 72,000, came down to nearly 61,000 in 1904, and that the total number of licenses cancelled under section 18 of the Act during these five years amounted to over 12,000.

(*a*) In view of the above facts and figures, will the Government be pleased to inquire as to the reason of this tendency towards reduction of licenses for fire-arms?

(*b*) Will the Government also inquire why such a large number of licenses which amount to nearly 20 *per cent.* of the licenses granted in Forms VIII to XI was cancelled during this period?

(*c*) Having regard to the vast unprotected and ever-increasing agricultural population in Bengal, will the Government be pleased to draw the attention of District Officers to the comparatively very small number of licenses granted to these people?

(*d*) Will the Government be further pleased to facilitate the grant of licenses for guns more freely than at present in the case of sportsmen?

The Hon'ble MR. RICHARDSON replied:—

"The question of the revision of the present system of granting gun licenses under the Arms Act and of the introduction of general principles upon which they are to be granted for purposes of sport, protection or display has been for some time past under the consideration of the Government of India. At present there is no sufficient evidence that the agricultural population in Bengal is in need of further protection. On the other hand, an increase of population as a general rule implies an increase of security from the ravages of wild animals as well as a disappearance of game in the pursuit of which fire-arms are a necessity."

THE SUBORDINATE JUDICIAL SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU, in the absence of the Hon'ble BABU AMBIKA CHARAN MAZUMDAR, said:—

(*a*) Having regard to the fact that the Officiating Munsifs as a rule seldom become confirmed in their appointments until after almost three years from their first appointment, and that when so confirmed they are scarcely able to earn their full pension without extension of service, and in view of the congestion which is thus created in the Subordinate Judicial Service, will the Government be pleased to consider whether it is not just and expedient to count the officiating periods of these officers towards their pension?

(*b*) Is it a fact that Munsifs are required twice to produce health certificates—once when they are enrolled for service and once again when they are confirmed in their appointment? Is such a rule in force in the case of the Executive Branch of the Provincial or the Subordinate Civil Service? If not, will the Government be pleased to consider the justice and propriety of removing the disadvantage from which the Munsifs are made to suffer at present?

The Hon'ble MR. RICHARDSON replied:—

"The answer to the first branch of the question is as follows:—

"The question of amending the rule according to which officiating periods of service cannot be counted towards pension is already under consideration

[*Mr. Syed Shurfuddin; Mr. Carlyle; Mr. Richardson.*]

and the Government hopes to be able to make a definite pronouncement regarding it at an early date.

"The answer to the second branch of the question is as follows:—

"Munsifs are generally appointed from the ranks of practising pleaders, and a considerable period usually elapses between the date of first appointment and confirmation. It is accordingly necessary to ascertain the state of health of candidates for the Judicial Service, not only when first appointed, but also when the time for their confirmation arrives. In the case of the Provincial and Subordinate Executive Services, the period of probation is only six months."

Rabi Crops in Bihar.

The Hon'ble Mr. Syed Shurfuddin asked:—

Is the Government aware that the recent abnormal weather has seriously damaged the standing *rabi* crops in Bihar and that in consequence the prices of food grains have considerably gone up?

If the Government has no information on the subject, will it consider the advisability of instituting a careful inquiry into the matter and publishing the result of such inquiry?

The Hon'ble Mr. Carlyle replied:—

"The recent abnormal weather did not, on the whole, cause serious damage to the *rabi* crops in Bihar. The general outturn estimated for all the districts of the Patna Division is not less than 75 per cent., and in Darbhanga the estimate amounts to an outturn of 83 per cent. over a larger area than usual.

"Owing to the loss of *bhadai* paddy and other *bhadai* crops through excessive rainfall in the latter portion of the rainy season and bad crops in other Provinces, prices have been ranging very high; but now that the *rabi* crop is being cut there is a tendency for the prices to fall."

Religious training of Prisoners.

The Hon'ble Mr. Syed Shurfuddin asked:—

Will the Government be pleased to state if there is any provision in the management of prisons in Bengal for the reformation of prisoners by moral and religious instructions or by any other method?

If not, will the Government consider the advisability of framing rules under section 60, clause (*e*) of Act IX of 189[illegible] the above purpose?

The Hon'ble Mr. Richardson replied:—

[illegible] pening 82
[illegible] rent year 66
[illegible] unt by whi 34 [illegible]he purpose, nor is it considered desirable to frame any. [illegible] 16

"The subject of religious training of prisoners has been under the consideration of the Government on various occasions, and it has been decided that no religious services shall be permitted in jails, as this would, in ordinary jails, lead to confusion and be subversive of jail discipline. The only exception is in the Presidency Jail, where a large number of European prisoners is sometimes collected, and where provision has been made for the performance of the services of the Protestant and Roman Catholic Christian Churches. In all jails, however, prisoners of all classes are allowed to perform their private devotions at suitable times and in suitable places.

"Moral training unconnected with any religion seems to be almost impracticable, and is, moreover, in the opinion of the Government not calculated to have the desired effect. Discipline and regular habits of work are practically the only means adopted for reform, and it is not easy to devise any other."

Classification of Prisoners.

The Hon'ble Mr. Syed Shurfuddin asked:—

Will the Government be pleased to state the rules, if any, that it has framed under section 60, clause (*j*) of Act IX of 1894, for the classification and separation of prisoners, under which prisoners convicted for merely technical offences are kept separate from the rest of the jail population?

If there be no such rules, will the Government take early steps to make them?

[*Mr. Richardson; Mr. Syed Shurfuddin; Mr. Shirres.*]

The Hon'ble MR. RICHARDSON replied:—

"The classification of prisoners is laid down in the Jail Code, rules 517 to 529. Prisoners are divided into two classes, namely, (*a*) Habitual criminals, and (*b*) Non-habitual criminals.

"It is not clear what is meant by technical offences. The Courts decide whether a prisoner has been guilty of an offence which should be punished by rigorous imprisonment. When the Courts consider the offence to be of such a nature that simple imprisonment is sufficient, the prisoner is kept apart from the ordinary convicts."

WORKING OF SECTIONS 562 AND 563 OF THE CODE OF CRIMINAL PROCEDURE, 1898.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to lay on the table a statement showing the working in Bengal of sections 562 and 563 of the Code of Criminal Procedure, 1898, since their introduction?

The Hon'ble MR. RICHARDSON replied:—

"The Hon'ble Member was requested to state clearly what information he desired; and a statement prepared in accordance with his wishes is laid on the table."

Statement referred to in the above answer.

YEAR.	TOTAL NUMBER DEALT WITH UNDER SECTIONS 562 AND 563.		TOTAL NUMBER DISPOSED OF.		
	Cases.	Persons.	Cases.	Persons.	
				Discharged.	Convicted.
1898	54	63	54	..	63
1899	139	168	139	...	168
1900	137	155	137	...	155
1901	32	136	113	2	134
1902	disappe..	88	82		88
1903		72	66	...	72
1904	I	92	134	...	182
Total ...	725	864	725	2	862

ORDINATE JU

THE BENGAL FINANCIAL STATEMENT FOR 1906-07.

The Hon'ble MR. SHIRRES laid on the table the Bengal Financial Statement for 1906-07, with explanatory notes, He said:—

"Sir, I have the honour to lay upon the table the Financial Statement for 1906-07, together with the usual appendices and accounts.

"The past year has been a prosperous one, and the revenue has considerably exceeded the estimates. From the commencement of next year a new and more advantageous Financial Settlement with the Government of India will come into force. The transfer of 15 districts to another Province necessitated a revision of the existing settlement; and in making the revision the Government of India have dealt liberally with us.

"The usual comparison between the budget and the revised estimates for the current year is rendered difficult, owing to the transfer of the districts to the new Province having taken place in the middle of the year. The budget estimates of 1905-06 are for the undivided Province for the whole year, whereas the revised estimates are for the undivided Province for rather more than half of the year, and for the reduced Province for the remainder of the year.

[*Mr. Shirres.*]

"The simplest way in which to make a comparison is in the first instance to eliminate altogether the receipts and charges for the transferred districts, and afterwards to make whatever adjustment may be necessary on account of those districts.

"This comparison is made in paragraphs 4 to 8 of the Financial Statement. It will be seen that if we look only to the present Province of Bengal, and omit various assignments and adjustments, there has been a net increase of revenue amounting to Rs. 8,00,000. This is the net result of improvements under certain heads aggregating Rs. 12,04,000 and of decreases under others aggregating Rs. 4,04,000. On the expenditure side there have been very large savings amounting to Rs. 28,34,000 due chiefly to the failure to spend the large special grants for police and education reforms and to lapses in the Public Works Department.

"The reason why it is necessary to make an adjustment on account of the transferred districts is that in them, as in all districts outside Calcutta, the Provincial receipts exceed the Provincial expenditure. The surplus accruing from those districts in fact formed part of the revenues assigned to this Province from which the expenditure outside those districts was to be met. Moreover while the expenditure in the districts in question proceeds more or less uniformly throughout the year, the greater part of the revenue is collected in the last quarter; with the result that there is an actual deficit in the first part of the year and a large surplus in the last half. In the budget we estimated for a surplus for the whole year of Rs. 9,27,000, but after the budget had been passed we transferred an additional sum of Rs. 2,34,000 to the Public Works Department for expenditure in Eastern Bengal, thus reducing the anticipated surplus to Rs. 6,93,000. The adjustment allowed to us is the difference between the actual receipts and the actual expenditure in Eastern Bengal from the 16th October to the close of the year, and this is estimated at Rs. 5,61,000; but as the expenditure up to the date of transfer exceeded the income by Rs. 2,95,000 the adjustment for the whole year comes to only Rs. 2,66,000. In the transferred districts the receipts have exceeded the estimates but so also has the expenditure; and the amount which is being made over to us is the actual surplus.

"When the budget of the current year was prepared the closing balance of 1904-05, and therefore also the opening balance of 1905-06, was underestimated by Rs. 5,14,000. This sum is carried forward and increases the closing balance of 1905-06 and the opening balance of 1906-07. In calculating the closing balance of the current year and the opening balance of next year we must likewise add the amount by which the receipts have exceeded the estimates in Bengal proper and the savings in expenditure; and we must deduct the loss on the adjustment for Eastern Bengal. The net result is to place the opening balance of next year at Rs. 1,17,98,000.

"In preparing our budget estimates for next year, we have at our disposal the opening balance of Rs. 1,17,98,000, the assignment of revenue made to us by the Government of India under the new settlement which comes to Rs. 4,72,73,000, and an additional sum of Rs. 15,69,000 by which that revenue is expected to expand next year. There are also certain special grants, aggregating Rs. 4,30,000, which bring the total up to Rs. 6,10,70,000. Of this however we must carry forward at least Rs. 70,00,000, namely the minimum provincial balance of Rs. 20,00,000 and the grant of Rs. 50,00,000 for the improvement of Calcutta, so that the amount actually available for expenditure is Rs 5,40,70,000.

"A few words of explanation may be given regarding the new settlement. It would have been easy for the Government of India, to have continued the settlement made in 1904 after modifying it to suit the new Province. They might have said "We take away from you the receipts and expenditure of certain districts: those districts have hitherto yielded you a surplus and their removal means a net loss to you: we shall therefore make you a permanent grant equal to the surplus, but otherwise we shall leave the existing settlement untouched." Fortunately the Government of India elected to make an altogether fresh settlement.

"Now when making a financial settlement the Government of India scrutinise the estimates, decide what total expenditure may fairly be taken as the

necessary expenditure of the Province, and make over receipts sufficient just to meet that expenditure. On previous occasions the revised estimates were made the basis of the scale of expenditure so that all anticipated savings were eliminated before the scale was calculated. The new settlement however has been based on the budget estimates, and is therefore much more favourable to us. Moreover in our budget for the current year we proposed to reduce the opening balance by Rs. 42,37,000. The Government of India before adopting our budget as the new scale of expenditure might have cut out the whole of this amount on the ground that it is non-recurring expenditure met from the opening balance, but the total deduction they made from the budget came to only Rs. 37,86,000. Thus they practically treated about 4½ lakhs of non-recurring expenditure as though it were recurring and made over to us recurring revenue to meet it. They also left our Public Works grant untouched, although the separation of East Bengal relieved us of charges amounting to Rs. 5,22,000.

"We have also been allowed a larger share of the divided heads of revenue. In other words, a larger proportion of the revenue made over to us is expanding revenue, and the non-expanding assignment has been reduced from Rs. 73,70,000 to Rs. 5,72,000. The following are the changes which have been made:—We now receive $\frac{1}{2}$ instead of $\frac{7}{16}$ of Excise, $\frac{1}{2}$ instead of $\frac{1}{3}$ of Forests, $\frac{1}{2}$ instead of $\frac{1}{4}$ of Assessed Taxes, the whole instead of $\frac{1}{4}$ of the receipts from Government estates, and $\frac{1}{2}$ instead of $\frac{1}{4}$ of the remainder of Land Revenue. The effect of these changes has been to add about 1¼ lakhs to our net annual increment of revenue.

"I may mention also that subsequent to the settlement of 1904, the Government of India have, owing to the improved state of their finances made large grants to us for Agriculture, Education, Police, etc., and these grants are continued under the new settlement.

"If the new settlement had been in force for the last five years there would have been an average annual increase of revenue over the revenue of the preceding year of Rs. 8,97,000. The whole of this could not however have been available for new expenditure because there must first be deducted the normal increase of necessary expenditure due, *e.g.*, to increase of superannuation charges, increments of salary, expenditure necessary to obtain the increased revenue, &c. This increment of necessary expenditure amounts to about Rs. 5,37,000 a year.

"To return to our budget for next year. As already stated the amount actually available for expenditure is Rs. 5,40,70,000. Of this sum we propose to carry forward Rs. 19,76,000 and to spend Rs. 5,20,94,000. The amount which we budget to spend next year is therefore Rs. 5,20,94 000; and this is made up of Rs. 28,22,000 taken from the opening balance and Rs. 4,92,72,000 the revenue of the year.

"In paragraph 16 there is a list of items of non-recurring expenditure amounting to Rs. 47,28,000. As the reduction in the opening balance is only Rs. 28,22,000 the remainder of this non-recurring expenditure amounting to Rs. 19,06,000 is met from the revenue of the year. In other words there is a margin between recurring income and recurring expenditure of Rs. 19,06,000. This it may be noted is altogether apart from the special grants made by the Government of India.

"The reforms and improvements which it is proposed to carry out will be apparent from the lists in paragraphs 16 and 17. I need not comment on them in detail, but shall be glad to furnish any further information regarding them which Hon'ble Members may desire. I need only explain that the reforms and improvements indicated in those lists are in addition to those under Agriculture, Education and Police, which are to be met from the special grants from the Government of India. Those are referred to under the appropriate heads in the Financial statement.

"The budget will not come up for discussion until the 7th April so as to allow Hon'ble Members ample time to examine it, and I shall be greatly obliged if notice can be given to me a week before the debate of any points which it is proposed to raise or any information which is required in order that the matter may receive sufficient attention."

THE BENGAL FINANCIAL STATEMENT FOR 1906-07.

PART I—General Review.

(1) ACCOUNTS FOR 1904-1905.

WHEN the revised estimate for 1904-1905 was laid before the Council on the 25th March 1905, the closing balance for that year, which was also the opening balance for the current year was estimated at Rs. 1,24,86,000. The accounts of last year are now finally closed and show that the actual closing balance came to Rs. 1,30,00,101, or in round numbers to Rs. 1,30,00,000, which is Rs. 5,14,000 more than the revised estimate. The receipts were better by Rs. 1,90,000 chiefly under Marine on account of larger pilotage receipts; while the charges were also less by Rs. 3,24,000 partly under Jails and partly under the heads of "Minor Works and Navigation," and "Civil Works" in charge of the Public Works Department.

(2) REVISED ESTIMATE, 1905-1906.

2. The budget estimate for 1905-1906 as passed by the Government of India provided for receipts aggregating Rs. 5,64,33,000 and an expenditure of Rs. 6,06,70,000, thus reducing the accumulated balance at the commencement of the year by Rs 42,37,000. In consequence of the transfer, from the 16th October 1905, of fifteen districts to the new province of Eastern Bengal and Assam, and the addition of the Sambalpur district to this province by transfer from the administration of the Central Provinces, the receipts and charges for the last five months and a half in the districts transferred to the new province have been incorporated in the revised estimate of that province, while those in the added area have been included in the revised estimate of this province. The revised estimate for 1905-1906 as now presented therefore includes the actuals of the transferred districts for the first six months and a half and that of the added area for the last five months and a half.

3. In order, however, that the finance of this province might not be materially affected by these readjustments of accounts in the middle of the year it has been decided that any loss to this province arising therefrom should be made good through the adjusting head of Land Revenue. Thus the surplus of revenue over expenditure in the districts transferred to Eastern Bengal and Assam, which but for the separation would have been available to meet in part the cost of the central administration at the Presidency, and which is now estimated at Rs 5,61,000, as well as the estimated deficit in the added area amounting to Rs. 91,000, have been credited in favour of Bengal.

4. To make a proper comparison of the revised estimates of new Bengal with that of the sanctioned budget estimates for the current year it is necessary in the first instance to eliminate the receipts and charges for the transferred districts, as included in the original consolidated estimates for undivided Bengal, and add to the net results the revenue and expenditure for the added area in Sambalpur as estimated for the last five months and a half of the year. The following table which is an abstract of Appendix C shows the result of this comparison:—

	Original estimate for undivided Bengal.	Sanctioned estimate for the districts transferred to Eastern Bengal and Assam	Difference between columns (2) and (3).	Estimate for the added area in Sambalpur for the last 5½ months.	Total of columns (4) and (5).	Revised estimate for new Bengal.	Actuals of the first 6½ months of transferred districts.	Total of columns (7) and (8).
1	2	3	4	5	6	7	8	9
	Rs.	Rs.	Rs	Rs.	Rs	Rs.	Rs.	Rs
Total Receipts	5,..4,33,000	1,19,30,000	4,45,03,000	88,000	4,45,91,000	4,54,53,000	54,56,000	5,09,09,000
Adjustments for transfer of districts		..	.....	.....		6,52,000	.. ....	6,52,000
Total ..	.. ..	.....	...	.	...	4,61,05,000	54,56,000	5,15,60,000
Expenditure...	6,06,70,000	1,19,03,000	4,86,67,000	1,79,000	4,88,46,000	4,79,12,000	57,50,000	5,37,62,000
Surplus (+) or Deficit (—)	—42,37,000	+27,000	—61,64,000	—91,000	—62,55,000	—18,07,000	—2,95,000	—21,02,000

5. Columns (6) and (7) of the preceding table show that the receipts in Bengal (proper) are expected to be better by Rs. 8,62,000, while the expenditure is likely to be less by Rs. 28,34,000.

6. The increase in receipts is accounted for partly by increase in revenue, and partly by the following assignment and adjustments under Land Revenue:—

	Rs.
(*a*) Assignment for grants to University and private Colleges	1,10,000
(*b*) Special grant from Imperial revenues for the improvement of Dalhousie Square in Calcutta	1,38,000
(*c*) Ditto for Cantonment Police taken over from the Cantonment Funds	10,000
(*d*) Ditto for the development of Agricultural and Veterinary Department	3,50,000
	6,08,000
Deduct—	
Contribution to Imperial for redistribution of charges under "2—Assignments and Compensations" ...	1,15,000
Special grant for the improvement of the Port of Chittagong transferred to Eastern Bengal and Assam ...	4,31,000
	5,46,000
Net increase under Adjustments	62,000

7. The increase in revenue is the net result of improvements under some heads and of decreases under others. The improvements aggregate Rs. 12,04,000, which are expected chiefly under the following heads:—Stamps (Rs. 1,41,000) chiefly from Court-fee stamps, Excise (Rs. 2,97,000), mainly for better settlements, Assessed Taxes (Rs. 38,000), Registration (Rs. 41,000), Marine (Rs. 3,45,000) under Pilotage receipts, Medical (Rs. 1,14,000), chiefly for the allotment of Rs. 90,000 to the Medical College Hospital made by His Royal Highness the Prince of Wales out of the donation of one lakh made by the Maharaja of Darbhanga on the occasion of the Royal visit; Irrigation Works (Rs. 1,80,000), chiefly for water-rates in the Sone Canals. On the other hand the decreases aggregate Rs. 4,04,000, and are principally under Interest (Rs. 30,000) owing to smaller loans having been taken by the local bodies than were provided for in the budget, Courts of Law (Rs. 38,000), Police (Rs. 54,000), Miscellaneous (1,54,000) and Civil Works in charge of the Public Works Department (Rs. 78,000).

8. On the expenditure side the revised estimate shows a net decrease of Rs. 28,34,000. The decrease is partly due to the failure to obtain the sanction before the close of the year to the scheme for an increase in the number of Deputy Collectors, partly to the non-utilization in full of the grants for the increase of salaries of Ministerial officers and the development of the Veterinary and Agricultural Department, partly to savings in the special and other grants for the Police and Education Departments amounting to about 7 and $9\frac{1}{2}$ lakhs respectively, and partly to lapses in the grants for Civil Works ($7\frac{3}{4}$ lakhs) which have been regranted next year for the completion of the works in question. On the other hand there have been increases under General Administration, Jails, Medical, Miscellaneous and Irrigation Minor Works. The increase under Medical is for larger grants to Hospitals and Dispensaries, grants to the Jheriah Plague Committee and Puralia Leper Asylum, and for the payment of fees and allowances of Dr. Gilbert Fowler, deputed to report on septic tanks in Bengal. The increase under Miscellaneous is especially due to the special grants of Rs. 45,000 to the Lady Dufferin Victoria Hospital, Calcutta, and of Rs. 12,500 to the Calcutta Female Nurses' Institution. The increase under Irrigation Minor Works and Navigation is for the payment of Rs. 3,90,000 for a portion of the cost of the Suction Dredger indented for from England.

9. The closing balance of the current year was estimated in March last at Rs. 82,49,000. To this must now be added Rs. 5,14,000, the excess of the opening balance over the estimate, Rs. 8,62,000, by which the receipts of

the current year have improved, and Rs. 28,34,000 the net decrease of expenditure. But from the total of these should be deducted Rs. 2,95,000 the excess of expenditure over receipts in the Eastern districts during the first six months and-a-half of the year and the loss in the estimated surplus in the Eastern districts amounting to Rs. 9,27,000—Rs. 5,61,000=Rs. 3,66,000. The net result of these additions and deductions will bring the balance to Rs. 1,17,98,000. In the revised estimate, therefore, the closing balance of the current year is placed at Rs. 1,17,98,000.

NEW FINANCIAL SETTLEMENT.

10. In consequence of the transfer of fifteen districts of Bengal to the Government of Eastern Bengal and Assam, a new Provincial settlement has been made which will come into force from the 1st April 1906, and will be of a quasi-permanent nature. In framing the terms of the revised settlement it has been necessary (1) to determine the standard of revenue and expenditure in Bengal as previously constituted; (2) to deduct the revenue and expenditure incurred in the districts transferred to Eastern Bengal and Assam; (3) to make similar changes in connection with the transfer of Sambalpur from, and of certain Native States to, the Central Provinces; (4) to distribute the special grants given to Bengal as previously constituted for Police reorganization, Primary education and District Boards; and (5) to make an addition on account of a special grant-in-aid of agricultural improvements.

11. For the standards of revenue and expenditure the Government of India have adopted the budget figures for 1905-06, except under the head of "45—Civil Works" for which the standard of 45 lakhs has been taken as suitable to the requirements of the reduced province. In revising the terms the receipts under the heads of Land Revenue, Excise, Assessed Taxes and Forests have been divided equally between Provincial and Imperial, while the collections from Government estates have been made wholly Provincial. The Bengal Government will now get one-half of the increased receipts under the divided heads mentioned above, including Stamps, while those under Registration will continue to be wholly Provincial as settled in 1904.

BUDGET ESTIMATE, 1906-07.

12. The opening balance for 1906-07 corresponds with the closing balance of the current year, and is therefore taken at Rs. 1,17,98,000.

13. The estimate shows receipts aggregating Rs. 4,92,72,000, an expenditure of Rs. 5,20,94,000, and a closing balance of Rs. 89,76,000.

14. The ordinary Provincial minimum closing balance is Rs. 20,00,000, but in addition to that amount the Government of Bengal must keep the special grant for improvements of Calcutta untouched, so that under the present conditions the minimum closing balance is 20+50=70 lakhs. The estimated closing balance is therefore Rs. 19,76,000 in excess of the present minimum.

15. The budget estimate for next year as passed provides for receipts aggregating Rs. 4,92,72,000. The amount assigned to the Local Government in the new financial settlement is Rs. 4,72,73,000, and owing to ordinary expansion it is estimated that the revenue made over will yield next year Rs. 4,88,42,000. To this must be added the special assignments of Rs. 4,30,000 for the following:—

	Rs.
For charges on amount of Cantonment Magistrates which have been reprovincialized	29,000
For grants to University and private Colleges	1,60,000
For Technical education	35,000
For additional reforms in Police	4,00,000
For abolition of Patwari cess in Sambalpur	26,000
	6,50,000
Deduct—Balance of the Zamindari Dâk Fund transferred to Imperial on the abolition of the Fund, a corresponding credit having been afforded to Provincial under "Contribution from Local"	2,20,000
Net assignment	4,30,000

These will bring up the total receipts to Rs. 4,92,72,000.

16. The expenditure of the year is estimated at Rs. 5,20,94,000 and exceeds the income by Rs. 23,22,000 and the settlement assignment, by Rs. 48,21,000. The estimate includes provision for non-recurring charges aggregating Rs. 47,28,000 as shown below:—

	Rs.
Sundarbans reclamation	1,00,000
Initial outlay in bringing up records-of-rights in Orissa ...	1,31,000
Grant for improvements in record-rooms	50,000
Grain Compensation Allowance	2,00,000
Survey of Sundarbans Forest (Provincial share) ...	45,000
Collection of Sanitary Statistics proposed by the Sanitary Commissioner with the Government of India ...	7,000
Expert Sanitary Engineer for Septic Tank installation ...	16,000
Acquisition of land for the extension of Buxar Central Jail ...	20,000
Purchase of furniture and apparatus and models for the Mining Department, Civil Engineering College ...	10,000
Initial outlay on the establishment of Central Weaving School at Serampore	1,00,000
Purchase of works of Art for Government Art Gallery ...	29,000
Laboratories, fittings and other charges for Patna College	1,00,000
Steam Launch for the Commissioner of the Presidency Division	20,000
Civil Works in charge of the Public Works Department—	
Extension of High Court	1,00,000
Presidency Jail and Surgical Ward, Medical College ...	2,00,000
Lunatic Asylum, Ranchi	4,50,000
District Judge's Residence, Darbhanga	33,000
Judge's House, Gaya	50,000
Purchase of Bungalows in Cuttack ...	81,000
Improvements in Darbhanga	24,000
Cholera Ward in Medical College, Calcutta	53,000
Paying patients' block for Indians in Medical College, Calcutta	1,00,000
Construction of Cadet School, Ranchi	1,75,000
Land and buildings at Kharagpur and Jhargram for the division of the Midnapore District into two	4,00,000
Acquisition of Haritola bustee, near Campbell Hospital ...	1,00,000
Land and buildings for Ranchi Model College and School and Civil Engineering College	6,00,000
Land and buildings for officers' quarters, etc., in Howrah ...	3,90,000
Double-storied block in Campbell Hospital	60,000
Civil Works in charge of Civil officers—	
Calcutta Municipality for Incinerator	35,000
Bhagalpur Municipality for Water-works	25,000
Nadia Municipality for repairs to Embankments	6,000
Monghyr Municipality for Water-supply	75,000
Berhampore Municipality for Drainage	20,000
Titaghur Municipality for Drainage	10,000
Puri Municipality for drainage	25,000
Ditto for Sanitary Improvements	50,000
Acquisition of Post Office Bustee in Patna	24,000
Police Buildings in the Mufassal	85,000
Water-works and sanitary improvements in Darjeeling ...	1,00,000
Initial outlay for the division of Patna into two	64,000
Suction Dredger	4,50,000
Bhairab Valley Drainage	75,000
Sugarcane irrigation in Otter	40,000
Total ...	47,28,000

17. The estimate also provides, besides the normal growth in administration such as increase in salaries, supernumeration charges, etc., for the following recurring outlay in addition to the scale of expenditure allowed for in the settlement:—

		Rs.
(1)	For increase of pay of ministerial officers in addition to the special grant made by the Government of India	1,50,000
(2)	„ reorganization of the Registration Department ...	90,000
(3)	„ Additional District and Sessions Judges and their establishments	40,000
(4)	„ additional establishment for the separation of the Patna Division into two	10,000
(5)	„ an Additional Secretary, Legislative Council ...	5,000
(6)	„ an Additional Professor of Sanskrit in the Presidency College	6,000
(7)	„ an Additional Professor of Physiology in the Medical College	14,000
	Total ...	3,15,000

PART II.—Detailed remarks on the Budget for 1906-07.

[The remarks in the following paragraphs refer to Bengal as it now stands after the transfer of East Bengal to the new Province.]

Receipts.

18. *Land Revenue.*—The total collections under this head in 1904-05 amounted to Rs. 2,87,82,526, and the estimate for 1906-07, as passed by the Government of India, is Rs. 2,93,61,000. The estimate includes Rs. 5,00,000 for recoveries of the survey and settlement charges in Purnea (Rs. 4,00,000) and Ranchi (Rs. 1,00,000). About Rs. 50,000 will be recovered in the Sonthal Parganas, but they are to be adjusted under "Advances Recoverable" and not credited in the general account.

The estimated Provincial share of land revenue is arrived at as follows:—

	Estimate 1906-07. Rs.
Gross Land Revenue	2,93,61,000
Deduct estimated collections from Government estates (now wholly Provincial)	32,38,000
Deduct recoveries of Survey and Settlement charges (Imperial)	5,00,000
Total deduction ...	37,38,000
Net amount divisible between Imperial and Provincial Funds	2,56,23,000
Provincial share of above (one-half)	1,28,11,000
Add collections from Government estates	32,38,000
Total Provincial ...	1,60,49,000
Add Adjustments as in Appendix A	10,02,000
Total Provincial share ...	1,70,51,000

19. *Stamps.*—The actual receipts in 1904-05 were Rs. 1,35,03,882. The actuals in the first eleven months of the current year, exclusive of those from one anna Receipt Stamps, show an increase of Rs. 7,28,000 over those in the corresponding period of last year. In view of these figures the revised estimate for the current year has been passed for Rs. 1,42,00,000 and the estimate for

1906-07 placed at Rs. 1,45,00,000. The Local Government gets one-half of these amounts.

20. *Excise.*—The actuals for the first eleven months of 1905-06 show an increase of Rs. 11,15,000 over those in the corresponding period of the preceding year, and as Rs. 1,40,69,166 were realized in 1904-05, the revised estimate for the current year has been passed for Rs. 1,52,50,000. The estimate for next year allows for an increase of 4½ lakhs, and has been placed at Rs. 1,57,00,000. The Provincial share (one-half) amounts to Rs. 78,50,000.

21. *Provincial Rates.*—The actual collections of Public Works cess in 1904-05 amounted to Rs. 35,20,337, and the estimate for next year has been taken at Rs. 35,90,000. An increase is anticipated on the completion of the work of revaluation in certain districts. Under General Rates for the management of private estates the estimate of receipts is Rs. 1,30,000, and this added to the estimate of receipts from Public Works Cess makes up the sum of Rs. 37,20,000, which is the total estimate for the year.

22. *Assessed Taxes.*—The budget estimate of receipts from Income-tax for 1905-06 was Rs. 43,97,000. The actual collections in the first eleven months of the year amounted to Rs. 42,15,000. For the remaining month of the year the receipts have been put at Rs. 3,35,000, and the revised estimate has been placed at Rs. 45,50,000. The estimate for next year allows for an increase of Rs. 1,00,000 and stands at Rs. 46,50,000. The Provincial share (one-half) amounts to Rs. 23,25,000.

23. *Forests.*—The total receipts under this head for 1906-07 are estimated at Rs. 10,00,000 against Rs. 8,98,000, the budget estimate for 1905-06, and Rs. 8,80,905, the actuals of 1904-05. The Provincial share under the new settlement is one-half.

24. *Registration.*—The budget estimate under this head for 1905-1906 was Rs. 10,22,000. The collections of the first eleven months of the current year show an increase of Rs. 46,000 over those of the corresponding period of the preceding year; and as the actuals of 1904-05 were Rs. 10,18,261, the revised estimate has been placed at Rs. 10,64,000, while the estimate for 1906-07 has been passed for Rs. 10,50,000. The receipts under this head are not expected to be as high as in the current year because a considerable decrease is expected in the Chota Nagpur Division owing to the operation of the Chota Nagpur Tenancy Amendment Act V of 1903. The receipts of this Department are wholly Provincial.

25. *Law and Justice—Courts of Law.*—The actuals of last year amounted to Rs. 5,61,378, and the revised estimate for the current year has been taken at Rs. 5,40,000 with reference to the actuals of the first ten months of the year. During the current year there has been a falling off under general fees, fines and forfeitures, but this is not expected to continue, and the receipts for next year have been estimated at Rs. 5,60,000.

26. *Jails.*—The actuals of the twelve months ending 31st January 1906 show an increase of Rs. 31,000 over those of the corresponding period of last year; and as the actuals of 1904-1905 were Rs. 12,31,117, the revised estimate has been placed at Rs. 12,60,000. The budget estimate for the current year, Rs. 12,50,000, has been repeated as the estimate for next year.

27. *Police.*—The estimate under this head amounts to Rs. 1,67,000 against Rs. 1,30,000, the revised estimate for 1905-1906, and Rs. 1,68,016, the actuals of 1904-1905. No recoveries are to be made for Cantonment Police from 1st April 1905, while the fines for the prevention of cruelty to animals now appear under Law and Justice instead of under this head, as in 1904-1905. The budget includes Rs. 22,000 for fines imposed on the Calcutta and Subarban Police Force which were formerly credited to the Police Superannuation Fund which has now been abolished.

28. *Marine.*—The budget estimate for the current year was Rs. 13,05,300. This has been raised to Rs. 16,50,000 in the revised estimate with reference to the actuals of the first eleven months of the current year. The estimate for next year has also been passed for a like amount.

29. *Education.*—The estimate under this head is Rs. 6,40,000 against Rs. 6,10,000, the revised estimate for 1905-1906, and Rs. 5,78,646, the actuals of 1904-1905. The increase is expected mainly from rent of boarding houses for students of private Colleges in Calcutta.

30. *Medical.*—The estimate under this head is Rs. 2,60,000 against Rs. 2,46,387, the actuals of 1904-1905, and Rs. 5,46,000, the revised estimate, for the current year. The revised estimate includes a contribution of two lakhs from the Calcutta Hospital Port Dues Fund towards the maintenance of the Presidency General Hospital and an allotment of Rs. 90,000 made by His Royal Highness the Prince of Wales to the Medical College Hospital out of the donation of one lakh made by the Maharaja of Durbhanga on the occasion of the Royal visit.

31. *Scientific and other Minor Departments.*—The total receipts for 1906-07 are estimated at Rs. 2,94,000 against Rs. 2,74,454, the actuals of 1904-05. The revised estimate for 1905-06 based on the actuals of the nine months of the year has been placed at Rs. 2,78,000. The budget includes larger provision for the sale of sulphate of quinine.

32. *Receipts in aid of superannuation.*—The budget estimate for 1906-07 has been passed for Rs. 57,000 against Rs. 60,000, the revised estimate for 1905-06, and Rs. 59,730, the actuals of 1904-05.

33. *Miscellaneous.*—The receipts under this head are of a fluctuating character. The estimate for next year has been placed at Rs. 5,76,000 against Rs. 6,80,000 and Rs. 5,26,000, the budget and revised estimates, respectively, for the current year, and Rs. 5,95,684, the actuals of last year.

34. *Irrigation, Major Works (Direct Receipts).*—The estimate under this head amounts to Rs. 20,72,000 against Rs. 20,00,000, the budget estimate for the current year. The actuals of last year were Rs. 20,46,167. During the current year there have been larger receipts under Water-rates from the Orissa and Sone Canals and under Navigation from all the canals and the revised estimate has been placed at Rs. 21,50,000.

35. *Irrigation, Minor Works and Navigation in charge of the Public Works Department.*—The estimate for the current year is Rs. 6,50,000 which has been raised to Rs. 6,80,000 in the revised estimate owing to larger navigation receipts in the Calcutta and Eastern Canals. It is doubtful if the increase will continue in next year, and a lower figure has been adopted for the budget. The budget includes Rs. 5,000 which is anticipated from sugarcane irrigation in Bihar.

36. *Civil Works.*—The details of the receipts under this head are given in Appendix A.

Expenditure.

37. *Refunds and Drawbacks.*—The estimate for 1906-1907 is Rs. 1,15,000 against Rs. 1,09,000 and Rs. 99,093, the revised estimate for the current year and the actuals of 1904-1905, respectively. The increase is due to the increase in the Provincial share in some of the principal heads of revenue.

38. *Assignments and Compensations.*—The Government of India have decided that the charges under Land Revenue compensations should be divided in the same proportion as the receipts under that head with effect from 1st April 1905. The charges under the head Pensions in lieu of resumed lands, which were wholly Imperial before 1905-1906, and Malikana, which were wholly Provincial, are the only two heads which have been affected by this decision. The details are shown in Appendix B.

39. *Land Revenue.*—The total Provincial expenditure for next year is estimated at Rs. 38,01,000 against Rs. 34,61,696, the budget estimate for the current year, as shown below :—

	1905-1906.		1906-1907.
	Budget.	Revised.	Budget.
	Rs.	Rs.	Rs.
(1) Charges of District Administration ...	26,23,195	23,57,000	29,20,000
(2) Charges on account of Land Revenue collections ...	1,400	1,000	1,400
(3) Management of Government estates	5,09,918	4,82,000	4,17,000
(4) Survey and Settlement ...	2,52,500	3,00,000	2,00,000
(5) Land Records and Agriculture	74,683	92,000	2,62,000
For rounding ...	...	...	600
Total ...	34,61,696	32,32,000	38,01,000

The increase under (1) is due to provision having been made for (*a*) the full sanctioned strength of officers and establishment, (*b*) for increase in the number of Deputy Magistrates and Deputy Collectors, (*c*) for the pay of muharrirs and peons of Additional Deputy Magistrates, (*d*) for grain compensation allowance to menial officers during dearness of food-grains, (*e*) for increase of salaries of Ministerial officers, and (*f*) for increased grant for improving the record-rooms of Collectorates. Under (3) a provision of one lakh has been made for the Sunderbans reclamation work, while the increase under (5) is for the provision of Rs. 1,31,000 for initial expenditure for bringing up the records-of-rights in Orissa and Rs. 36,000 for the maintenance of Record-of-Rights in Sambalpur.

40. *Stamps.*—The estimate for 1906-1907 is Rs. 3,70,000 against Rs. 4,27,000, the budget grant for 1905-1906. The decrease is chiefly under "Stamp paper supplied from Central Stores," the estimate under this head being Rs. 1,90,000 against Rs. 2,28,000, the budget estimate for 1905-1906. The provisional share (one-half) is Rs. 1,85,000.

41. *Excise.*—The total expenditure for next year is estimated at Rs. 7,32,000 against Rs. 7,23,000, the budget grant for 1905-1906. The increase is due to a provision of Rs. 15,000 for establishment in Sambalpur. Under the new settlement the Provincial share is one-half and amounts to Rs. 3,66,000.

42. *Assessed Taxes.*—The expenditure for next year is estimated at Rs. 1,45,000 against Rs. 1,30,000, the sanctioned estimate for the current year. The increase is due to an increase in horse allowance of assessors and to an increase of establishment sanctioned for the Office of the Collector of Income-tax, Calcutta. The estimate for next year includes provision for two additional temporary assessors.

43. *Forests.*—The total budget grant for next year is Rs. 6,50,000 against Rs. 5,65,000, the estimate for 1905-1906. The increase is chiefly due to a provision for the detailed survey of the reserved forests in the Sunderbans, and for the payment of the profits in the working of the Porahat reserves in the Singhbhum Division for the five years ending 1905-1906. The budget also includes a larger provision for the construction of roads required for the opening out of Singhbhum, Angul and other divisions. The Provincial share (one-half) is Rs. 3,25,000.

44. *Registration.*—The estimate for next year is Rs. 6,92,000 against Rs. 6,01,000, the grant for the current year. The increase is due to a provision having been made to give full effect to the scheme of the reorganisation of the Department sanctioned by the Secretary of State.

45. *General Administration.*—The estimate for 1906-1907 is Rs. 17,32,000 against Rs. 17,27,196 the actuals of 1904-05. The buget includes Rs. 20,000 for increase of pay of Ministerial establishment, Rs. 20,000 for the balance of the cost of the steam-launch for the Commissioner of the Presidency Division which will have to be paid to the Dockyard authorities, and Rs. 10,000 for additional establishment that may be required, when the Patna Division is divided into two Commissionerships. Provision has also been made for the appointment of an additional Secretary to the Legislative Council and for additional temporary establishment in that Department.

46. *Law and Justice—Courts of Law.*—The budget estimate under this head for 1905-1906 was Rs. 73,13,295, but in the revised estimate this has been reduced to Rs. 70,54,000 with reference to the known actuals of the year. The estimate for 1906-1907 has been passed for Rs. 74,00,000, which includes provision for a District and Sessions Judge for Darbhanga, an Additional Judge for the 24-Parganas for five months, and an Additional Sub-Judge for that district. Larger provision has also been made for increase of salaries of ministerial officers, remuneration to copyists, diet and travelling allowances to witnesses, and allowances to Jurors and Assessors, and Additional Deputy Magistrates and their establishment.

47. *Jails.*—The estimate for the current year was Rs. 22,17,147 against Rs. 19,02,245 the actuals of last year. The actuals of the first nine months of the year, however, show an increase of three lakhs as compared with the figures of last year, and the revised estimate for the year has accordingly been raised to Rs. 23,33,000. The increase is chiefly under Jail Manufactures and is due to larger expenditure on the purchase of raw materials. The estimate for next year is Rs. 22,71,000, and includes a provision of Rs. 20,000 for the acquisition of land for the Buxar Central Jail.

48. *Police.*—The following table compares the estimates under this head:—

	1904-1905. actuals.	1905-1906. Budget.	1905-1906. Revised.	1906-1907. estimate.
	Rs.	Rs.	Rs.	Rs.
(1) Presidency Police ...	8,62,316	8,70,000	9,08,000	10,06,600
(2) Municipal „ ...	42,700	52,000	61,000	54,000
(3) Superintendence ...	1,85,253	1,63,000	1,94,000	2,01,000
(4) District Executive Force ...	37,47,168	48,78,600	42,30,000	47,10,700
(5) Village Police ...	52,883	51,800	47,000	51,000
(6) Special „ ...	94,801	1,13,600	85,000	63,000
(7) Railway „ ...	1,53,428	2,01,000	1,66,000	2,17,500
(8) Cattle-pounds ...	1,767	1,000	1,000	1,000
(9) Refunds	16,786	30,000	11,000	12,200
(10) Grain compensation allowance	.. ...	.....	.....	50,000
Total ...	51,57,102	63,01,000	57,03,000	63,67,000

The budget for the current year included a lump provision of Rs. 12,00,000 for reforms recommended by the Police Commission. A portion of this (3 lakhs) will go from next year to the New Province. The estimate for next year includes the distribution of the remainder of the grant in full between different heads as well as a special lump grant of four lakhs under District Executive Force for additional expenditure on reforms.

49. *Marine.*—The budget provides for a total expenditure of Rs. 10,97,000, against Rs. 11,07,604, the sanctioned estimate for 1905-1906. The estimate for the current year included the delivery charges of steam cruiser *Fraser* which will not recur next year.

50. *Education.*—In order to have a correct idea of the growth of expenditure under Education, it is necessary to show the disbursements both in the Provincial and District Fund accounts, since most of the expenditure under the latter is met from grants from the Provincial Revenues. The following table shows the charges from 1903-1904:—

	Account. 1903-1904.	Account. 1904-1905.	Revised estimate, 1905-1906.	Budget estimate, 1906-1907.
Provincial.	Rs.	Rs.	Rs.	Rs.
Direction	90,000	90,000	82,000	91,300
University	.....	2,00,000	80,000	80,000
Inspection	2,57,000	2,49,600	2,70,000	4,35,500
Government Colleges, General ...	4,75,000	5,32,000	5,57,000	5,69,000
Ditto do., Professional	2,67,000	2,02,800	2,10,000	2,91,000
Ditto Schools, General ...	5,32,000	4 86,000	5,09,000	5,50,000
Ditto do., Special ...	2,72,000	3,11,000	3,35,000	5,75,000
Technical education ...	.....	...	..	1,35,000
Grants-in-aid	7,16,000	7,62,000	8,30,000	7,80,000
Scholarships	1,65,000	1,59,000	1,51,000	1,65,000
Miscellaneous	1,09,000	75,000	90,000	1,23,000
Refunds	7,000	2,000	3,000	3,000
Lump provision for primary education and other Educational schemes	.....	.....	...	2,97,200
Grain compensation allowance ...	.....	.....	...	5,000
Total Provincial ...	28,90,000	30,68,000	31,17,000	41,00,000
Local.				
Inspection	2,31,000	2,40,000	2,29,000	1,00,000
Schools	73,000	76,000	88,000	88,000
Grants-in-aid	7,70,000	8,09,000	8,47,000	9,56,000
Scholarships	21,000	26,000	35,000	35,000
Miscellaneous	42,000	29,000	21,000	21,000
Refunds	.....	2,000	.....	.....
Total Local ...	11,37,000	11,82,000	12,20,000	12,00,000
Grand Total ...	40,27,000	42,50,000	43,37,000	53,00,000

The above table shows that the expenditure under this head is increasing year after year. The Provincial budget for 1906-1907 includes the following provisions:—

	Rs.
Grant to Calcutta University for administration, inspection and travelling charges	30,000
Grant to Calcutta University for building purposes ...	50,000
Grant to private colleges for hostels, etc.	80,000
Pay and allowances of Sub-Inspectors of Schools transferred from District Boards to Education Department ...	1,67,000
An Additional Professor of Sanskrit in the Presidency College	6,000
Electric lights and fans and the maintenance of hydraulic lift in the Presidency College	3,000
Salary of Professors and Instructors for the Mining Class at the Civil Engineering College	19,360
Travelling allowance and house allowance of ditto ...	6,700
Mining Models	5,000
Furniture and apparatus for Mining class	5,000
High School at Sambalpur	12,000
Purchase of works of Art for Government Art Gallery ...	28,764
Starting Training Colleges at Hooghly and Bhagalpur ...	75,000
Establishment and maintenance of a Central Weaving School at Serampur	1,35,000
For laboratories fittings and other charges for Patna College	1,00,000

51. *Medical.*—The budget grant for next year is Rs. 21,89,000 against Rs. 20,45,000, the revised estimate for the current year, and Rs. 19,91,050 the actuals of last year. The estimate provides Rs. 90,000 for preventive measures against plague, Rs. 20,000 for anti-malarial measures, Rs. 16,150 for fees and allowances of Dr. Gilbert Fowler on deputation to report on septic tanks in Bengal, Rs. 7,000 for collection of sanitary statistics proposed by the Sanitary Commissioner with the Government of India, and a reserve provision of Rs. 9,000 for grants to Leper Asylums.

52. *Scientific and other Minor Departments.*—The expenditure under this head is estimated at Rs. 10,76,000 against Rs. 7,50,000, the revised estimate for the current year. Provision has been made for the development of the Veterinary and Agricultural Departments.

53. *Superannuation.*—The charges under this head show a progressive increase year after year owing to the increase in the claims to pension. The estimate for 1906-1907 is Rs. 25,37,000 against Rs. 23,94,000, the revised estimate for 1905-1906 and Rs. 22,93,065 the actuals of 1904-1905.

54. *Stationery and Printing.*—The estimate for 1906-1907 is Rs. 10,29,000 against Rs. 10,34,000 and Rs. 10,71,500, the revised and budget estimates for 1905-1906. The decrease is under stationery supplied from Central Stores.

55. *Miscellaneous.*—The revised estimate for the current year is Rs. 3,60,000 against Rs. 2,79,000, the original budget estimate for the year. The increase is due to the special payment of Rs. 45,000 to the Lady Dufferin Victoria Hospital in Calcutta, and of Rs. 12,500 to the Calcutta Female Nurses' Institution. The estimate for next year is Rs. 2,77,000, and pretty closely follows the budget estimate for 1905-1906. The variations in the estimates are shown in Appendix B.

56. *Irrigation—Minor Works and Navigation in charge of the Public Works Department.*—The actual charges in 1904-1905 were Rs. 16,86,998. The budget estimate for 1905-1906, inclusive of Rs. 3,75,000 on account of Government contribution for the Magra Hât drainage scheme, was Rs. 20,04,000. The revised estimate for the year is Rs. 22,30,000 and includes Rs. 3,90,000 for payment required in the current year on account of a suction dredger indented for from England, but excludes Rs. 1,40,000 surrendered from the grant for the Magra Hât drainage scheme which, however, has been regranted for expenditure in 1906-1907. The budget estimate of expenditure for 1906-1907 is Rs. 21,85,000 and includes Rs. 4,50,000, the balance to be paid for the suction dredger, Rs. 1,40,000 for Magra Hât drainage, as stated above, Rs. 75,000 for the Bhairab Valley drainage in the district of Jessore, Rs. 40,000 for a pumping installation in Bihar required for sugarcane irrigation, and Rs. 49,500 for the Dudhai Canal.

57. *Civil Works.*—The estimate of expenditure in charge of the Public Works Department for next year has been placed at Rs. 73,25,000, which is distributed thus:—

	Rs.
Original Works	48,69,000
Repairs	15,00,000
Establishment	9,23,825
Tools and Plant	32,175
Total ...	73,25,000

The allotment for original works includes the following items:—

	Rs.
Land and buildings in Kharagpur and Jhargram for the division of Midnapore into two districts	4,00,000
Construction of Munsifs' Court	75,000
Ditto of Residences	40,000
Removing the Plassey Monuments to the site of the battlefield, &c.	15,000
Extension of High Court	1,00,000
New Presidency Jail	1,00,000
Construction of a Police-station at Taltollah	49,000
Ditto of a Cadet School, Ranchi	1,75,000
Construction of a Hostel for Hindu students, Ravenshaw College	19,000
Removal of the Lunatic Asylum to Ranchi	4,63,800
Construction of a Model and Engineering College at Ranchi ...	6,35,000
Barracks for Students, Pathological Museum in Temple Medical School	27,000
Construction of Surgical ward, Medical College	1,00,000
Ditto of Cholera ward, ditto	53,500
Ditto of Nurses' quarters, ditto	49,000
Ditto of Paying Patients' block for Indians in ditto ...	1,00,000
Remodelling the central portion of the Campbell Hospital ...	20,000
Construction of a double-storied ward in the Campbell Hospital	60,000
Acquisition of Haritollah Bustee adjoining ditto ...	1,00,000
Construction of Residence for the District Judge, Darbhanga...	33,300
Ditto ditto, Gaya ...	50,000
Purchase of bungalows in Cuttack	81,000
Land and buildings for Subjail, offices, and housing of officials, at Howrah	3,89,800
Residences of Government officials in mufassal	86,000
Extension of the Veterinary Institution, Belgachia ...	1,20,000
High-Level Tista Valley Road	93,300
Improving the drainage of the south-east corner of Calcutta Maidan	15,000
Improvement of Civil Station, Darbhanga	24,000
Total ...	34,74,200

58. *Civil Works in charge of the Civil Department.*—The estimate for next year is Rs. 11,30,000 and includes provision for grants to Municipalities and Excluded Local Funds which are adjusted under this head, Rs. 85,000 for Police buildings in addition to the provision in the Public Works Department budget; one lakh for Water-works and Sanitary improvements in the town of Darjeeling, and Rs. 64,000 for initial expenditure for the division of Patna into two Commissionerships.

59. *Contributions from Provincial to Local.*—The original estimate for the current year amounting to Rs. 25,12,000 has been reduced to Rs. 23,66,000 in the revised estimate as the special reserve kept under this head has been transferred to Public works and other Departments to meet pressing demands in those departments, while Rs. 4,80,000 has been added for grants to District Boards for Primary School buildings. The estimate for next year is Rs. 19,10,000 and includes a provision of 9 lakhs for grants to District Boards being equivalent to one-fourth of the road-cess collections in those districts.

BENGAL PROVINCIAL REVENUE.

(The figures are in thousands of rupees, except for Actuals.)

	1904-1905.	1905-1906.		1906-1907.
	Actuals for undivided Bengal.	Sanctioned estimate for undivided Bengal.	Revised estimate for new Bengal after readjustment of territorial jurisdictions, and includes actuals for the first 6½ months of Eastern districts and estimates for the last 5½ months of Sambalpur.	Budget estimate. (For new Bengal.)
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
Opening balance	1,42,52,919	1,24,86	1,30,00	1,17,98
Principal Heads of Revenue—				
I.—Land Revenue { Proper ...	1,06,95,908	1,07,76	85,07	1,60,49
Adjustments ...	+49,48,794	+86,35	+93,49	+10,02
IV.—Stamps	1,01,30,354	1,07,00	91,26	72,50
V.—Excise	73,45,749	75,91	73,67	78,50
VI.—Provincial Rates	52,03,964	53,34	44,80	37,20
VIII.—Assessed Taxes	12,58,314	12,75	12,33	23,25
IX.—Forests	2,91,868	3,00	2,72	5,00
X —Registration	16,89,610	17,00	14,32	10,50
Total ...	4,18,64,561	4,63,11	4,17,66	3,97,46
XII.—Interest	2,85 701	8,35	2,91	3,67
Receipts by Civil Department—				
XVI.—Law and Justice { Courts of Law	7,98,064	8,14	6,77	5,60
Jails ...	13,86,712	14,00	13,28	12,50
XVII.—Police	1,86,205	2,00	1,36	1,67
XVIII.—Marine	15,20,363	13,25	16,64	16,50
XIX.—Education	7,27,668	7,70	6,87	6,40
XX.—Medical	2,52,876	4,37	5,49	2,60
XXI.—Scientific and other Minor Departments	2,74,891	2,57	2,78	2,94
Total ...	51,46,779	52,03	53,19	48,21
Miscellaneous—				
XXII.—Receipts in aid of Superannuation	67,053	78	65	57
XXIII.—Stationery and Printing ...	1,45,866	1,40	1,35	1,29
XXV.—Miscellaneous	7,91,020	10,09	5,62	5,76
Total ...	10,03,939	12,22	7,62	7,62
Irrigation—				
XXIX.—Major Works (direct receipts) ...	20,46,167	20,00	21,50	20,72
XXX.—Minor Works and Navigation—				
By Public Works Department...	7,01,154	6,50	6,80	6,55
By Civil Department ...	1,42,833	1,28	1,28	1,26
Total ...	28,90,154	27,78	29,58	28,53
Buildings and Roads—				
XXXII.—Civil Works—				
By Public Works Department..	3,89,393	2,80	2,02	2,64
By Civil Department ...	2,48,943	2,41	2,05	1,89
Total ...	6,38,336	5,21	4,07	4,53
Contributions ...	69,478	63	57	2,70
Total Revenue ...	5,19,98,948	5,64,33	5,15,60	4,92,72
GRAND TOTAL ...	6,61,51,867	6,89,19	6,45,60	6,10,70

BENGAL PROVINCIAL EXPENDITURE.

(The figures are in thousands of rupees, except for Actuals.)

Heads.	1904-1905.	1905-1906.		1906-1907.
	Actuals for undivided Bengal.	Sanctioned estimate for undivided Bengal.	Revised estimate for new Bengal after readjustment of territorial jurisdictions, and includes actuals for the first 6½ months of Eastern districts and estimates of the last 5½ months of Sambalpur.	Budget estimate (For new Bengal.)
1	2	3	4	5
Direct demand on the revenues—	Rs.	Rs.	Rs.	Rs.
1. Refunds and Drawbacks ...	1,23,273	1,35	1,22	1,15
2. Assignments and Compensations ...	1,50,697	1,62	43	83
3. Land Revenue	42,93,323	47,22	40,60	38,01
6. Stamps	3,46,028	3,50	2,23	1,85
7. Excise	3,58,167	3,78	3,37	3,66
8. Provincial Rates	83,814	92	79	61
10. Assessed Taxes	88,037	39	38	72
11. Forests	1,72,147	1,91	1,57	8,25
12. Registration	9,70,708	9,96	8,17	6,92
Total ...	65,37,094	70,65	58,76	57,00
13. Interest on ordinary debt ...	1,96,486	2,22	2,05	2,22
Post Office, Telegraph and Mint—				
15. Post Office	...	.....	1	.....
Salaries and expenses of the Civil Department—				
18. General Administration ...	19,27,272	19,02	19,67	17,32
19. Law and Justice { Courts of Law ...	98,92,504	1,02,00	86,79	74,00
19. Law and Justice { Jails ...	25,75,164	28,20	26,30	22,71
20. Police	67,45,832	78,90	66,24	63,67
21. Marine	18,46,508	11,23	11,91	10,97
22. Education	36,82,002	47,52	34,30	41,00
24. Medical	23,07,843	22,75	22,12	21,89
25. Political	20,850	22	16	10
26. Scientific and other Minor Departments	7,00,388	9,40	7,55	10,76
Total ...	2,90,18,363	3,19,24	2,75,04	2,62,42
Miscellaneous—				
29. Superannuation, &c	27,07,289	28,15	26,23	25,37
30. Stationery and Printing ...	11,03,863	12,22	10,43	10,29
32. Miscellaneous	3,42,812	3,14	3,75	2,77
Total ...	41,53,964	43,51	40,41	38,43
Railway Revenue Account—				
40. Subsidised Company's land, &c ...	3,965	...	.....	.....
Irrigation—				
42. Major Works—				
Working Expenses	9,88,005	11,04	10,50	10,75
Interest on Debt	24,51,988	24,52	24,52	24,52
43. Minor Works and Navigation—				
By Public Works Department ..	16,86,998	20,04	22,30	21,85
By Civil Department ...	5,569	5	9	10
Total ...	51,32,560	55,65	57,41	57,22
Buildings and Roads—				
45. Civil Works—				
By Public Works Department...	58,37,918	56,48	61,88	73,25
By Civil Department ...	2,18,645	25,82	2,75	11,30
Total ...	60,56,563	82,30	64,63	84,55
Contributions	14,52,771	33,13	29,31	19,10
Total Expenditure ...	5,31,51,766	6,06,70	5,27,62	5,20,94
Closing balance	1,30,00,101	82,49	1,17,98	89,76
Grand Total	6,61,51,867	6,89,19	6,45,60	6,10,70

APPENDIX A.

Bengal Provincial Receipts, in detail, of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

THE remarks in column 6, except when otherwise specially explained, refer to difference between columns 3 and 5. The figures in column 4 against Eastern Bengal represent the actuals of the first six months-and-a-half in the districts transferred to Eastern Bengal and Assam.

1.—Land Revenue—

HEADS	1904-1905	1905-1906		1906-1907.	REMARKS.
	Actuals	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs	Rs.	Rs.	Rs	
(1) Gross Land Revenue	2,87,82,520	2,92,50,000	2,93,90,000	2,93,61,000	Larger collections are anticipated from Government estates. Budget includes receipts from Sambalpur.
(2) Deduct 12 per cent on collections from Government estates in 1904-05 and 1905-06 and 100 per cent. in 1906-07, which is wholly Provincial	3,51,080	3,87,000	3,55,000	32,38,000	The collections from Government estates have been made wholly Provincial in the new settlement
(3) Deduct recoveries of Survey and Settlement charges which are Imperial	3,87,836	5,55,000	5,55,000	5,00,000	Purnea ... 4,00,000 Ranchi ... 1,00,000 Total ... 5,00,000
Total deduction ...	7,38,916	9,42,000	9,10,000	37,38,000	
(4) Net amount divisible between Imperial and Provincial	2,80,43,611	2,82,94,000	2,83,90,000	2,56,23,000	
(5) Provincial share of above (one-fourth in 1904-05 and 1905-06) and (one-half in 1906-07) ...	70,10,903	70,73,000	70,97,000	1,28,11,000	The Provincial share is one-half under the new settlement
(6) Add percentage on collections from Government estates as in (2) above	3,51,080	3,87,000	3,55,000	32,38,000	
Net ..	73,61,992	74,60,000	74,52,000	1,60,49,000	
Add on account of adjustments as shown below ...	49,48,794	86,35,000	93,49,000	10,02,000	
Total Bengal ...	1,23,10,786	1,60,95,000	1,68,01,000	1,70,51,000	
Eastern Bengal ...	33,33,916	33,16,000	10,55,000	.....	The revised estimate represents the figures from 1st April to 15th October 1905.
Grand Total (Provincial share) ..	1,56,44,702	1,94,11,000	1,78,56,000	1,70,51,000	

Adjustments—

Contribution from Imperial to Provincial—				
Fixed adjusting entry under the new Provincial Settlement	49,03,000	49,03,000	49,03,000	5,72,000
Contribution on account of the Cantonment Magistrate's salaries, establishment, &c .	... .	.....	.....	22,000
Contribution for Sikkim Police ...	5,080	.	... ...	.....
Ditto for the preservation of ancient manuscripts	6,000	6,000	6,000	... .
Contribution for Monuments and Antiquities .	15,000	15,000	15,000	... .
Ditto on account of improvement of the Grant for the improvement of the Port of Chittagong	.....	4,31,000	...	...
Assignment for Police reorganization	... ..	12,00,000	12,00,000	4,00,000
Ditto for Primary Education ...	...	10,00,000	10,00,000	...
Ditto for Technical Do. ...	.	.	.	35,000
Ditto for grants-in-aid to District Boards	.....	12,50,000	12,50,000	.....
Ditto for the development Agricultural and Veterinary Departments	... ..	.....	3,50,000	.....
Contribution for grants to the University and private Colleges	2,00,000	... ..	1,10,000	1,80,000
For surplus of the 15 districts transferred to Eastern Bengal and Assam from 16th October 1905 to 31st March 1906	.....	. . .	5,01,000	.....
Contribution for excess of expenditure over receipts in the transferred area—in Sambalpur from 16th October 1905 to 31st March 1906	.....	...	91,000	...
Contribution for improvements of Dalhousie Square	.....	.	1,38,000	.....
Contribution for Cantonment Police ...	...	.....	10,000	...
Contribution equivalent to Patwari Cess in Sambalpur.	... .	... .	.....	26,000
Total ...	51,29,080	84,05,000	96,34,000	12,22,000
Contribution from Provincial to Imperial—				
Adjustment of the cost of Mr. N. G. Mukerji's deputation to the Central Provinces to enquire into the tusser silk industry	2,286	.....	... ..	....
Contribution towards Raj Kumar College ...	2,000	2,000	2,000	.....
Contribution from Provincial in connection with the transfer of the maintenance of the Siliguri-Teesta Bridge Road to the Military Department	50,000	.....	.....	.....
Contribution for the transfer of the Stamp and Stationery Office	1,26,000	1,68,000	1,68,000	.....
Contribution for redistribution of charges under "Assignments and Compensations."	.....	.....	1,18,499	.....
Balance of the zamindari dak Fund transferred to Imperial on the abolition of the Fund, a corresponding credit having been afforded to Provincial under contribution from Local ...	.....	.....	.....	2,20,000
Total ...	1,80,286	1,70,000	2,88,000	2,20,000
Net sum to be transferred from Imperial ...	49,48,794	86,35,000	93,49,000	10,02,000

IV.—Stamps—

Heads.	1904-05.	1905-06.		1906-07.	Remarks.
	Actuals.	Sanctioned Estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Sale of general stamps	35,97,882	37,60,000	37,88,000	38,50,000	The revised and budget include Rs. 1,75,000 and Rs. 4,70,000 for share of the sale-proceeds of the unified stamp.
Do. of court-fee stamps	95,40,000	98,46,000	1,00,22,000	1,02,50,000	The budget allows for normal increase of receipts.
Do of plain paper to be used with court-fee stamps	1,78,000	1,77,000	1,80,000	1,80,000	
Duty on impressing documents	1,80,000	25,000	1,56,000	1,61,000	The increase in the revised is due to special receipts in Calcutta on account of duty on embossing one-anna receipt and cheque stamps, and larger receipts under duty on unstamped or insufficiently stamped documents.
Fines and penalties	18,000	17,000	18,000	18,000	
Miscellaneous	30,000	70,000	45,000	51,000	The decrease in the revised is for smaller receipts on account of composition duty.
Total	1,36,03,882	1,38,95,000	1,42,60,000	1,45,00,000	The revised estimate is based on 11 months' actuals.
Eastern Bengal ...	73,86,826	75,05,000	40,32,000	.....	
Grand Total	2,08,80,708	2,14,00,000	1,82,52,000	1,45,00,000	
Provincial share (one-half) ..	1,04,30,354	1,07,00,000	91,26,000	72,50,000	

V.—Excise—

Li[illegible]se and distillery fees and duties for the sale of liquors and drugs—					
[illegible]rown liquors	2,52,832	2,68,000	3,90,000	3,50,000	
[illegible]ndian-made liquors excised at tariff rates ..	8,12,222	8,71,000	8,50,000	8,70,000	Decrease in revised is especially in Midnapur owing to the introduction of contract distillery system.
Country spirits—					
Li[illegible]se fees—					
[illegible]istillery	12,36,058				
[illegible]istills	36,00,739	73,08,000	80,70,000	82,80,000	
[illegible]ad duty	25,42,816				
[illegible]iscellaneous	1,03,907				
Toddy revenue	10,60,499	11,72,000	11,80,000	12,00,000	
Opium [illegible]its preparation ...	5,55,462	5,93,000	5,90,000	6,00,000	
Other [illegible]s, ganja, bhang, &c	12,08,243	12,09,000	12,70,000	12,80,000	
Total ...	1,12,32,698	1,15,11,000	1,22,80,000	1,25,80,000	Budget framed with reference to progressive increase of revenue.
Gain on sale-proceeds of Excise opium	15,38,741	16,50,000	15,75,000	16,35,000	
Duty on [illegible]ganja	12,90,095	13,18,000	13,75,000	14,65,000	
Fines, confiscations and miscellaneous	17,632	14,000	20,000	20,000	
Total ..	1,40,79,166	1,44,99,000	1,52,50,000	1,57,00,000	
Eastern Bengal ..	27,21,118	28,51,000	15,88,000	...	
Grand Total ..	1,67,90,284	1,73,50,000	1,68,38,000	1,57,00,000	
Provincial share (seven-eighteenths in 1904-05 and 1905-06 and one-half in 1906-07.)	73,45,749	75,91,000	73,67,000	78,50,000	

VI.—Provincial Rates—

Public Works cess	35,20,337	35,62,600	35,66,000	36,90,000	Budget provides for normal growth of revenue.
General rates for the management of private estates	1,23,655	1,28,400	1,28,000	1,30,000	
Total ...	36,43,992	36,91,000	36,93,000	37,20,000	
Eastern Bengal ...	15,59,972	15,43,000	7,87,000	... ...	
Grand Total ...	52,03,964	53,34,000	44,80,000	37,20,000	

VIII.—Assessed Taxes—

HEADS.	1904-1905.	1905-1906.		1906-1907.	REMARKS.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Deductions by Government from salaries and pensions, &c.	3,95,352	4,27,400	4,10,000	4,10,000	
Deductions by Government from interest on Government securities	10,692	16,500	14,000	14,000	
Deductions from salaries, &c., paid by local authorities or companies	54,087	80,400	54,000	54,000	
Deductions from profits of Railway Companies ...	3,402	4,000	5,000	4,000	
Income-tax on securities of local authorities or companies	93,716	92,000	90,000	94,000	
Ordinary collections	37,79,605	37,45,000	39,59,000	40,55,000	
Penalties	9,481	14,400	11,000	11,000	
Miscellaneous	7,405	10,200	7,000	8,000	
Total ...	43,53,880	43,07,000	45,50,000	46,50,000	The budget provides for an increase of one lakh over revised in view of progressive growth.
Eastern Bengal	6,79,376	7,03,000	3,86,000	..	
GRAND TOTAL ..	50,33,256	51,00,000	49,36,000	46,50,000	
Provincial share (one-fourth in 1904-05 and 1905-06 and one-half in 1906-07)	12,58,314	12,75,000	12,33,000	23,25,000	

IX.—Forests—

Timber and other produce removed from the forests by Government agency	1,25,488	1,50,700	97,300	98,000	The decrease in the revised due to smaller receipts fr the sale of timber
Timber and other produce removed from the forests by consumers or purchasers	7,17,616	7,14,000	8,25,500	8,61,000	The increase in the revise partly in the Darjeeling D sion from sale of firewood charcoal and partly in Kurseong, Singbhum, Angul Divisions from s timber and also from inclusion of receipts Sambalpur (Rs 6,200
Confiscated drift and waif-wood	1,928	3,300	3,200	3,200	
Miscellaneous	36,523	30,000	54,000	34,800	
Total ..	8,80,905	8,98,000	9,80,000	10,00,000	
Eastern Bengal	2,86,567	3,02,000	1,26,000	..	
GRAND TOTAL ...	11,67,472	12,00,000	10,80,000	10,00,000	
Provincial share (one-fourth in 1904-05 and 1905-06 and one-half in 1906-07)	2,91,868	3,00,000	2,72,000	5,00,000	

X.—Registration—

Fees for registering documents	9,13,960	9,05,000	9,86,000	9,70,000	The receipts are not expected to be as high as in 1905-06
Fees for copies of registered documents ...	25,310	19,000	28,000	28,000	
Miscellaneous	48,011	38,000	60,000	52,000	
Total .	10,18,281	10,22,000	10,04,000	10,50,000	Revised based on the actuals of the first seven months of the current year.
Eastern Bengal . .	6,71,329	6,78,000	3,08,000	....	
GRAND TOTAL ..	16,89,610	17,00,000	14,32,000	10,50,000	

XII.—Interest—

Class I.—Interest on advances to cultivators—					
On advances to cultivators under Land Improvement Loans Act	15,814	58,000	42,000	73,000	Revised based on the out standing read balances. The estimate is based on the amount of interest due next year on the existing loans and on the probable amount of advances estimated to be made in that year
On advances to cultivators under Agriculturists' Loans Act, XXII of 1884	19,510				
,, *II.*—Interest on advances under Special Loans—					
On drainage and embankment advances	30,732	55,000	40,000	66,000	
,, *III.*—Interest on loans to landholders, &c	1,680	1,000	8,000	14,000	
,, *IV.*—Interest on loans to Municipal and other public Corporations (excluding Presidency Corporation) .. .	1,30,126	1,48,000	1,41,000	1,46,000	
Interest on Government securities . ..	6 421	6,000	7,000	7,000	
Miscellaneous—					
Interest on arrears of public works cess	37,560	37,000	37,000	38,000	
,, on the capital cost of His Honour the Lieutenant-Governor's house, &c.	143	1,300	...	...	
Other items	3,087	3,500	4,920	20,000	Budget includes receipts from interest on debentures of Police Superannuation Fund
Interest on zamindari embankment recoveries, &c.	2,632	1,300	3,000	3,000	
Total Miscellaneous	43,422	43,000	44,000	61,000	
Total ...	2,02,720	3,11,000	2,82,000	3,67,000	
Eastern Bengal	22,981	24,000	9,000	.	
GRAND TOTAL ..	2,25,701	3,35,000	2,91,000	3,67,000	

XVIA.—Law and Justice—Courts of Law—

Heads.	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Sale-proceeds of unclaimed and escheated property	22,283	20,000	20,000	23,000	
Court-fees realised in cash	24,228	25,000	21,000	25,000	The decrease in revised is for smaller receipts from amin's fees.
General fees, fines and forfeitures	4,75,582	4,78,100	4,51,000	4,75,000	Revised and budget include fines for prevention of cruelty to animals formerly credited under Police, but the increase on this account is more than counterbalanced by smaller receipts from other magisterial fines.
Pleadership examination fees	23,285	32,600	26,000	25,000	
Miscellaneous fees and fines	1,008	1,000	1,000	1,000	
Miscellaneous	15,082	17,700	15,000	11,000	
Total ..	5,61,378	5,75,000	5,40,000	5,60,000	Budget follows the revised and the actuals of 1904-1905.
Eastern Bengal	2,36,086	2,39,000	1,37,000	... ..	
Grand Total ..	7,98,054	8,14,000	6,77,000	5,60,000	

XVIB.—Jails—

Jails *	19,080	19,000	20,000	20,000	
Jail manufactures	12,11,437	12,31,000	12,40,000	12,30,000	
Total ..	12,31,117	12,50,000	12,60,000	12,50,000	The budget is based on the normal receipts of the preceding four years. The revised is based on the actuals of 12 months ending January 1906.
Eastern Bengal . ..	1,55,595	1,50,000	68,000	... ..	
Grand Total .	13,86,712	14,00,000	13,28,000	12,50,000	

XVII—Police—

Police supplied to Municipal, Cantonment and Town Funds	10,258	10,000	3,000	.....	No recoveries are made for Cantonment Police from 1st April 1905. The revised includes arrears
Police supplied to Public Departments, private companies and persons	25,940	30,000	32,000	26,000	
Presidency Police	1,00,789	1,05,000	60,000	1,10,000	The decrease in the revised and budget is due to no credit having appeared on account of fines for prevention of cruelty to animals. Smaller realizations of fees, fines and forfeitures are anticipated in 1905-1906 while the budget provides for normal receipts on these accounts. It includes Rs. 22,000 for fines imposed on police force which were hitherto credited to the Police Superannuation Fund.
Recoveries on account of village police	443	1,000	1,000	1,000	
Fees, Fines and Forfeitures	25,950	25,000	27,000	25,000	
Cash receipts under the Arms Act	34	.....	...	.....	
Miscellaneous	4,606	6,000	8,000	5,000	
Total ..	1,68,019	1,84,000	1,30,000	1,67,000	
Eastern Bengal ..	18,180	16,000	6,000	.....	
Grand Total ...	1,86,205	2,00,000	1,36,000	1,67,000	

XVIII.—Marine—

Sale-proceeds of vessels and stores	.....	15,000	.....	3,000	The budget for 1906-06 included provision for the sale-proceeds of the Pilot Vessel *Sarsaati* which is now being converted into a light-ship before being made over to the Port of Chittagong.
Registration and other fees	76,171	75,000	76,000	80,000	Increased provision made in view of the progressive increase.
Pilotage receipts { Calcutta	13,38,990	11,30,000	14,81,000	14,80,000	
Pilotage receipts { Balasore	55	.....	...	100	
Lead-money for Volunteers (Calcutta)	15,170	14,000	18,000	16 000	
Total Pilotage Receipts ...	13,54,215	11,44,000	14,99,000	14,90,100	
Miscellaneous—					
Reductions for mess-money	12,925	12,800	14,000	14,000	
Contribution to Life-boat establishment, Goalundo	150	.....	.....	.....	
Marine Survey	24,119	36,000	36,000	36,000	
Overtime fees	6,896		7,000	7,000	
Miscellaneous receipts of the Shipping office ..	5,548		6,000	6,000	
Other items	5,520	17,500	6,000	5,900	
Fees for certificates of inland vessels under Act VI of 1884	10,779		6,000	.....	
Total Miscellaneous ...	66,337	66,300	75,000	70,900	
Total ...	14,96,653	13,05,300	16,50,000	16,50,000	
Eastern Bengal ...	23,710	19,700	14,000	.....	
Grand Total ...	15,20,363	13,25,000	16,64,000	16,50,000	

XIX.—Education—

Heads.	1904-1906. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Fees, Government Colleges ... General	1,81,045	1,98,000	1,82,000	1,82,000	
Professional ...	46,963	46,700	46,000	46,000	
Fees, Government Schools ... General	2,61,224	2,54,550	2,61,000	2,64,000	
Special ...	8,818	8,500	11,000	9,500	
Contributions from Native States, private persons and Municipalities	14,963	9,300	8,000	5,000	
Income from endowments	1,018	2,200	1,000	3,000	
Miscellaneous	63,715	93,150	93,000	1,27,500	The increase is for larger receipts from rent of boarding-houses
Total ..	5,78,646	6,12,410	6,10,000	6,40,000	Budget based on actuals including receipts from Sambalpur
Eastern Bengal	1,49,022	1,57,590	77,000	.	
Grand Total ...	7,27,668	7,70,000	6,87,000	6,40,000	

XX.—Medical—

Medical School and College fees ...	58,657	54,000	51,000	54,000	
Hospital receipts (receipts from paying patients)	1,10,029	1,08,000	1,20,000	1,30,000	
Lunatic Asylum receipts	26,718	17,000	26,000	26,000	
Contributions (from Municipalities and private persons)	48,584	2,40,000	3,39,000	48,000	The revised includes contribution of two lakhs from the Hospital Port Dues Fund towards the Presidency General Hospital and Rs. 80,000 allotted by His Royal Highness the Prince of Wales for the Medical College Hospital out of the donation of one lakh made by the Maharaja of Darbhanga on the occasion of the Royal visit in Calcutta.
Miscellaneous	13,399	6,000	10,000	8,000	
Total ...	2,56,387	4,31,000	5,46,000	2,66,000	
Eastern Bengal	6,489	6,000	4,000	.....	
Grand Total .	2,62,876	4,37,000	5,40,000	2,66,000	

XXI.—Scientific and other Minor Departments—

Botanical and other public garden receipts ...	2,733	2,800	3,000	3,000	
Veterinary and stallion receipts	24,143	16,000	24,000	25,000	Estimate based on actuals
Cinchona plantation ...	2,24,298	2,02,000	2,22,000	2,36,000	The increase in the revised is due to larger sale of sulphate of quinine. Larger receipts are also anticipated in next year.
Receipts on account of experimental cultivation ..	737	200	1,000	2,000	Estimate includes Rs 1,500 for Cuttack and Rs 500 for Sambalpur
Emigration fees	21,618	31,000	27,000	27,000	
Examination fees	923	3,840	1,000	1,000	
Miscellaneous	2	...	...	...	
Total ..	2,74,454	2,53,840	2,78,000	2,94,000	
Eastern Bengal	437	1,160	..	.	
Grand Total ..	2,74,891	2,57,000	2,78,000	2,94,000	

XXII.—Receipts in aid of Superannuation—

Family subscriptions of Native members of the Covenanted Civil Service ..	1,018	1,400	2,000	1,000	
Contributions for pensions and gratuities—					
Contributions of officers lent to foreign service of the first and second kind ...	35,216	46,000	46,000	35,000	Estimate based on the actual demands according to the Register in the Accountant-General's office.
Contributions of persons employed in the establishment for the management of private estates under Act X of 1892	10,988	10,000		8,400	
Refund of Gratuities	333	...	.....	.....	
Deductions for Marine Pension Fund	11,575	10,000	12,000	12,000	
Total ...	59,730	67,400	60,000	57,000	Revised based on the actuals of first nine months of 1905-1906.
Eastern Bengal ...	7,333	5,600	5,000	.....	
Grand Total ..	67,063	73,000	65,000	57,000	

XXIII.—Stationery and Printing—

Stationery receipts	807		1,000	1,000	
Sales of Gazettes and other publications	94,438	90,470	94,000	88,200	
Other Press receipts	36,669	36,030	32,000	30,800	
Total ..	1,31,834	1,27,400	1,27,000	1,20,000	Budget follows the revised which is based on the actuals of first nine months of current year.
Eastern Bengal ...	14,032	12,600	8,000	.....	
Grand Total ..	1,45,866	1,40,000	1,35,000	1,20,000	

XXV.—Miscellaneous—

Heads.	1904-1905 Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs	Rs.	
Unclaimed deposits	3,93,044	4,72,000	3,50,000	3,71,000	Estimate based on the amounts likely to lapse next year.
Treasure-trove	118	...	...	...	
Sale-proceeds of Durbar presents	2,598	3,700	2,000	3,000	Estimate based on actuals.
Sale of old stores and materials	6,139	13,500	6,000	6,000	
Sale of lands and houses, etc.	—2,580	...	.....	...	
Contribution for Government audits of Municipal and Excluded Local Funds accounts	44,657	52,000	37,000	51,000	Estimate includes the estimated fees for local audit of Cantonment Funds.
Rents	18,463	22,000	18,000	20,000	
Miscellaneous fees, fines, and forfeitures	4,882	10,000	7,000	5,000	
Contributions	23,952	22,500	20,000	26,000	
Miscellaneous—					
Fees and fines of Revenue Courts	56,596	52,000	40,000	50,000	
Recoveries of Law charges other than those in pauper suits	25,875	8,000	19,000	20,000	
Value of mathematical stores returned	243	500	1,000	500	
Sundry receipts—Circuit-house	518	400	...	500	
Miscellaneous receipts on account of Public Works Cess under Act IX of 1880 (B. C.)	35		...		
Miscellaneous receipts on account of Government Management of Wards estates	...	....	...	...	
Sale-proceeds of trees on tea-lands			.....		
Sale of elephants		4,000		2,000	
Other items	19,104	20,500	20,000	21,000	
Total Miscellaneous	1,02,429	83,900	80,000	94,000	
Total	5,03,084	6,80,000	5,26,000	5,76,000	
Eastern Bengal	1,93,336	3,32,000	30,000	...	
Grand Total	7,01,020	10,00,000	5,62,000	5,76,000	

XXIX.—Major Works—(Direct Receipts)—

Orissa Canals	3,88,990	4,15,000	4,63,000	4,40,000	
Midnapore Canal	2,06,215	1,93,000	2,05,000	1,94,000	
Hijili Tidal Canal	45,242	42,000	53,000	52,000	
Sone Canals	14,05,810	13,50,000	14,24,000	13,80,000	
Total	20,46,167	20,00,000	21,50,000	20,72,000	The increase in the revised is due to larger receipts under water rates from the Orissa and Sone Canals and also under navigation from all the canals. Such large increase is not expected in next year.

XXX.—Minor Works and Navigation—

In charge of the Public Works Department (Irrigation and Navigation Works)					
Works for which Capital and Revenue accounts are kept—					
Orissa Coast Canal	32,239	32,000	32,000	32,000	
Maran Canals	685	500	1,000	1,000	
Calcutta and Eastern Canals	5,28,136	4,91,000	5,11,000	4,83,000	The increase in the revised is chiefly under navigation receipts. It is doubtful whether these receipts during 1906-1907 will keep up to the level of the current year, and hence a lower figure has been taken.
Total	5,61,060	5,23,500	5,44,000	5,16,000	
Works for which only Revenue accounts are kept—					
Nadia Rivers	88,412	80,000	89,500	89,500	
Gaighatta and Buxi Khal	6,700	4,500	4,500	4,500	
Total	95,112	84,500	94,000	94,000	
Works for which neither Capital nor Revenue accounts are kept—					
Eden Canal	24,638	29,800	23,700	23,000	
Tour	276	200	300	1,000	
Sugarcane irrigation in Behar			...	5,000	
Total	24,914	30,000	24,000	29,000	
Total Irrigation and Navigation Works	6,81,086	6,38,000	6,62,000	6,39,000	
(Agricultural Works.)					
Works for which neither Capital nor Revenue accounts are kept—					
Government embankments	15,619	9,000	12,000	10,000	
Takavi embankments under contract	4,449	3,000	6,000	6,000	
Total Agricultural Works	20,068	12,000	18,000	16,000	
Total in charge of the Public Works Department	7,01,154	6,50,000	6,80,000	6,55,000	
In charge of the Civil Department.					
Recoveries on account of lands benefited by embankments	1,28,316	1,06,000	1,14,000	1,12,000	
Recoveries on account of capitalized maintenance charges of the Rajapur drainage system	14,517	22,000	14,000	14,000	Estimate based on actuals.
Total in charge of the Civil Department	1,42,833	1,28,000	1,28,000	1,26,000	
Grand Total	8,43,987	7,78,000	8,08,000	7,81,000	

XXXII.—Civil Works—

Heads.	1904-1905.	1905-1906.		1906-1907.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
In charge of the Public Works Department.	Rs.	Rs.	Rs.	Rs.	
Total gross receipts	3,89,393	2,80,000	2,02,000	2,54,000	The decrease in the revised is due to profits on stock erroneously credited to Revenue in 1904-1905 having been written back to works in progress in 1905-1906.
In charge of the Civil Department.					
Tolls on ferries	1,75,312	1,74,300	1,69,000	1,80,000	
Cemetery receipts	1,350	1,000	1,000	1,000	
Receipts from staging bungalows and encamping grounds	7,115	6,400	9,000	8,000	
Total ...	1,83,777	1,81,700	1,79,000	1,89,000	
Eastern Bengal	65,166	59,300	26,000	... ...	
Total in charge of the Civil Department	2,48,943	2,41,000	2,05,000	1,89,000	
Grand Total	6,38,336	5,21,000	4,07,000	4,43,000	

APPENDIX B.

Bengal Provincial Expenditure, in detail, of minor heads.

[The figures in columns 4 and 5 are those accepted by the Government of India.]

The remarks in column 6, except when otherwise specially explained, refer to difference between columns 3 and 5. The figures in column 4 against Eastern Bengal represent the actuals of the first six months-and-a-half in the districts transferred to Eastern Bengal and Assam.

1.—Refunds and Drawbacks—

Heads.	1904-1905. Actuals	1905-1906. Sanctioned Estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Land Revenue	9,747	13,500	8,000	30,000	Provincial share raised from one-fourth to one-half under the new settlement with effect from 1906-1907
Stamps	65,163	77,000	74,000	82,000	
Excise	7,650	4,300	10,000	9,000	
Assessed Taxes	6,924	6,500	4,000	12,000	Ditto ditto.
Forest	337	900	1,000	1,500	
Provincial Rates	3,187	9,500	3,000	5,000	
Registration	2,166	3,400	4,000	2,500	
For rounding	.....	—200	.....	.....	
Total ..	99,092	1,14,000	1,09,000	1,16,000	Based on actuals.
Eastern Bengal	34,180	21,000	13,000		
Grand Total ..	1,33,273	1,35,000	1,22,000	1,16,000	

2.—Assignments and Compensations —

Pension in lieu of resumed lands	.....	.....	5,000	6,000	The estimate includes provision for pension to the Monthart family as the result of compromise in a settlement case in the Damin-i-koh
Malikana	1,14,854	1,23,000	1,40,000	1,60,000	
Total ...	1,14,854	1,73,000	1,48,000	1,66,000	The Land Revenue compensations have been divided in the same proportion as the receipts under that head with effect from 1st April 1906 i.e., the Provincial share has been one fourth in 1905-06 and will be one-half in 1906-07.
Eastern Bengal	35,843	50,000	25,000	...	
Grand Total ...	1,50,697	1,02,000	1,70,000	1,66,000	
Provincial share	1,50,697	1,07,000	63,000	83,000	

3.—Land Revenue—

Charges of District Administration—					
General Establishment	20,43,740	22,31,500	21,03,000	23,70,000	The decrease in the revised is due to non-utilization of the grant for additional Deputy Magistrates and their establishment. The budget includes a moiety of Rs. 1,60,000 for additional Deputy Magistrates and a moiety of Rs. 26,000 for pay of muharrirs and peons of Additional Deputy Magistrates and Rs. 50,000 for grain compensation allowance.
Subdivisional Establishment	98,056	94,418	96,000	98,000	
Partition Establishment	—24,444	—3,000	—2,000	—2,000	
Process-serving Establishment	1,29,713	1,31,894	1,24,000	1,32,000	
Record-room (or copy-making) Establishment ...	11,014	14,295	12,000	64,000	Budget includes Rs. 50,000 for non-recurring improvements.
Survey of Waste Lands (Establishment) ..	—33,906		.. ..	.....	
Management of Private Estates under Act X of 1893	23,664	24,088	24,000	29,000	
Lump provision for increase of pay of Ministerial Establishment		70,000	.	2,20,000	
Total ..	22,39,067	26,43,195	25,57,000	29,20,000	
Charges on account of Land Revenue Collections ..	1,167	1,440	1,000	1,400	
Management of Government Estates—					
Collection of Revenue	2,41,870	2,15,318	2,45,000	4,17,000	
Outlay on improvements	1,64,546	3,23,600	2,37,000		
Deduct probable savings ...	.. ..	29,000	.....	.....	
Total ...	4,06,456	5,09,918	4,82,000	4,17,000	
Survey and Settlement—					
Controlling office (survey)	11,114	.....	...	.....	
Other survey operations—					
Bengal Drawing Office	78,240	51,240	.....	16,860	
Other operations	1,02,810	18,930	.....	36,007	
Minor settlement operations	29,398	24,955	.....	48,056	
Other ditto	70,643	1,32,207	.....	1,00,000	
Refund to Imperial on account of Survey and Settlement of Government temporarily-settled Estates	.	35,000	... ...	... .	
		2,52,352	... .	2,01,143	
For rounding	.....	+148	..	+7,143	
Total Provincial ...	3,42,440	2,52,500	3,00,000	2,00,000	
Land Records and Agriculture—					
Superintendence	56,006	50,000	... ..	27,000	
District charges	24,904	24,083		2,35,000	
Total ...	80,910	74,083	92,000	2,62,000	Budget includes Rs. 1,31,000 for initial outlay in bringing up the records in Orissa and Rs. 26,000 for the maintenance of such records in Sambalpur.
Add for rounding ...	. .	.....	.....	600	
Grand Total ...	30,70,836	34,61,626	33,32,000	28,01,000	
Eastern Bengal	12,23,687	12,69,304	5,28,000	... ..	
Total ...	42,93,523	47,28,029	46,60,000	28,01,000	

6.—Stamps—

Heads.	1904-1905.	1905-1906.		1906-1907.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Superintendence—					
Presidency Executive Establishment	19,393	.....	.....	.....	Made Imperial from the 1st July 1904.
District Establishment	6,469	8,000	7,000	7,000	
Total ...	25,862	8,000	7,000	7,000	
Charges for the sale of general stamps—					
Discount on sale of one-anna stamps	24,250	24,000	19,000	.....	As the sale of one-anna stamps has been stopped, no provision has been made.
Ditto bills-of-exchange or hundies ...	5,423	3,500	5,000	4,000	
Ditto other general stamps	81,978	80,500	99,000	86,000	
Total ...	1,11,791	1,08,000	1,03,000	90,000	
Charges on sale of court-fee stamps—					
Discount on sale of adhesive stamps	62,341	65,400	64,000	65,000	
Ditto stamps for copies	5,424	5,600	5,000	5,500	
Establishment for sale of stamps	1,226	48	1,000	1,248	Budget includes provision for two stamp vendors on Rs. 75 and Rs. 30 each per month in the office of the Collector or Calcutta, whose pay was formerly adjusteed under "7.—Excise."
For rounding ...	.....	71,048 —48	.....	71,748 —748	
Total ...	68,991	71,000	70,000	71,000	
Discount on plain paper	11,083	12,000	10,000	12,000	
Stamp-paper supplied from Central Stores	2,05,797	2,32,000	1,80,000	1,90,000	Estimate of the Controller of Stamps.
Total ...	4,20,544	4,27,000	3,70,000	3,70,000	
Eastern Bengal	2,71,513	2,73,000	77,000	.....	
Grand Total ...	6,92,057	7,00,000	4,47,000	3,70,000	
Provincial share—(one-half)	3,46,028	3,50,000	2,23,000	1,85,000	

—Excise—

Superintendence	83,197	87,000	84,000	87,000	
Presidency Establishment—					
Calcutta Collectorate (office)	61,685	64,732	63,000	61,508	Decrease due to the transfer of the provision for the pay of two stamp vendors on Rs. 75 and Rs. 30 each per mensem to "6.—Stamps."
Inspection and Prevention	16,502	17,862	20,000	17,332	
Allowances and Contingencies of ditto ...	25,103	19,986	22,000	27,010	Larger provision made for rewards in view of the actuals of 1904-05.
District Executive Establishment—					
Sadar Establishment	1,04,699	1,24,734	1,06,000	1,22,644	The decrease in revised is due to non-utilisation of the grant of Rs. 20,000 for strengthening the establishment in the districts of the Orissa Division. The budget repeats the provision.
Inspection and Prevention	1,77,450	1,79,580	1,75,000	1,73,548	
Allowances	1,00,479	1,04,010	1,04,000	1,06,460	
Distilleries—					
Presidency Establishment	8,033	10,000	9,000	10,000	
District Establishment	1,00,943	1,17,000	71,06,000	1,15,000	Budget includes Rs. 5,000 for substitution of Deputy Inspectors of Excise for Sub-Deputy Collectors revested to the general line.
Sambalpur establishment	.....	.....	.....	18,000	
Probable savings	.....	.....	.....	—2,972	
For rounding ...	.....	—1,214	... ...	.....	
Total ...	6,81,881	7,23,008	6,96,000	7,23,000	
Eastern Bengal	1,36,787	1,40,000	78,000	.....	
Grand Total ...	8,18,668	8,63,000	7,74,000	7,23,000	
Provincial share seven sixteenths in 1904-05 and one half in 05-07	3,32,167	3,78,000	3,37,000	3,05,000	

9.—Provincial Rates—

Heads.	1904-05. Actuals.	1905-06. Sanctioned Estimate.	1905-06. Revised.	1906-07. Budget.	Remarks.
1	2	3	4	5	6
Collection of Rates and Cesses	Rs. 2,25,227	Rs. 2,44,800	Rs.	Rs. 2,51,000	Budget includes larger grant for process serving charges
Valuation and Revaluation	67,744	83,700		73,000	Estimate based on actual requirements.
Total ...	2,06,971	2,28,500	2,03,000	2,24,000	The decrease in the revised is due to smaller process-serving and contingent charges and savings in the grant for establishment.
Deduct—Proportion debitable to Local for cost of road-cess collection	2,05,514	2,19,000	1,96,000	1,95,000	
,, —Proportion debitable to Local for revaluation				45,000	
,, —One-third share of recoveries on account of collection of arrear cesses	40,830	41,900	83,000	46,500	
,, —Contribution for pension of the cess-collecting establishment	6,297	6,800	6,000	6,500	
Total ...	53,330	69,800	37,000	61,000	
Eastern Bengal	30,484	31,200	22,000	...	
Grand Total ..	83,814	98,000	79,000	61,000	

10.—Assessed Taxes—

Calcutta Establishment	69,422	66,000	81,000	85,000	The revised includes increase in horse allowance of Assessors and increased establishment in the Calcutta Income Tax Collector's Office. The budget includes provision for two additional temporary assessors.
District	59,246	53,000	60,000	60,000	
Total	1,28,678	1,20,000	1,41,000	1,45,000	
Eastern Bengal	27,068	28,000	11,000	.....	
Grand Total ...	1,55,746	1,58,000	1,52,000	1,45,000	
Provincial share (one-fourth in 1904-05 and 1905-06 and one-half in 1906-07	38,937	39,000	38,000	72,000	

11.—Forests—

A.—Conservancy and Works.					
I.—Timber and other produce removed from the forests by Government agency ...	67,856	84,000	61,500	58,000	
II.—Timber and other produce removed from the forests by consumers and purchasers	73,771	70,100	79,460	84,200	The increase is for additional temporary establishment in the several divisions and for the supply of additional coal for steamers in the Sunderbans.
III.—Drift, wail-wood and confiscated forest produce	818	1,150	1,500	1,500	
V.—Rent of leased forests and payment to shareholders in forests managed by Government	.....	.....	.....	10,000	This represents the estimated amount of profit in the working of the Porahat reserves in the Singhbhum Division for the five years ending 1908-09 which will have to be paid to the estate.
VI.—Live-stock, stores, tools and plant	9,106	14,650	15,300	27,700	Budget includes a portion of the cost of a new launch to replace the *Seal*.
VII.—Communications and buildings	69,997	67,000	60,800	78,600	Budget includes provision for the construction of roads required for the opening out of Singhbhum, Angul and other divisions.
VIII.—Organisation, improvement and extension of forests	50,143	54,200	48,700	1,33,800	The decrease in the revised is for the postponement of the survey of the reserved forests in the Sunderbans. Budget includes Rs. 90,000 for a part of the cost of a detailed survey of the same.
IX.—Miscellaneous	4,042	5,200	6,200	6,400	
Deduct—Probable saving ...			2,93,400 7,000	4,00,000 30,000	
Total A.—Conservancy and Works ..	2,50,043	2,97,500	2,86,400	2,70,000	
B.—Establishments.					
I.—Salaries	2,07,708	2,19,160	2,16,650	2,36,600	The decrease in the revised is due to the absence on leave or deputation of a large number officers. The budget provides for the full scale.
II.—Travelling Allowances	34,891	36,750	37,750	46,800	
III.—Contingencies	9,644	11,500	13,000	12,600	
Total B.—Establishments ...	2,52,243	2,67,500	2,66,400	2,90,000	
Total A and B	5,02,286	5,65,000	5,52,800	5,60,000	
Eastern Bengal	1,86,344	1,99,000	77,200	.....	
Grand Total ...	6,88,630	7,64,000	6,30,000	6,60,000	
Provincial share (one-fourth in 1904-05 and 1905-06 and one-half in 1906-07)	1,72,157	1,91,000	1,57,000	3,30,000	

18.—Registration—

Heads.	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Superintendence	85,128	56,000	52,000	50,000	
District Charges—					
Calcutta	23,792	23,000	24,000	23,500	
Special Sub-Registrars	1,49,643	1,52,700	5,17,000	1,44,000	
Rural Sub-Registrars	3,57,089	3,67,500		4,73,000	
Ex-officio Sub-Registrars	1,910	1,750	2,000	1,500	
For rounding ...	... ...	50	..		
Total ...	5,31,933	5,45,000	5,43,000	6,42,000	
Total	5,87,101	6,01,000	5,95,000	6,92,000	The increase is for the reorganization of the Department.
Eastern Bengal ..	3,83,547	3,96,000	2,22,000	.....	
Grand Total ..	9,70,708	9,96,000	8,17,000	6,92,000	

13.—Interest on Ordinary Debt—

Interest on Provincial Advance and Loan Account .	1,82,758	1,92,000	2,05,000	2,22,000	Based on the estimated mean outstanding balance of loans carrying interest at 3½ per cent. per annum.
Eastern Bengal	13,728	30,000	... .	.....	
Total	1,96,486	2,22,000	2,05,000	2,22,000	

15.—Post office—

District Post Charges	.. ...	. ...	1,000	.....	This is for the district of Sambalpur. The charge will be Imperial in 1906-07.

18.—General Administration—

Salary of Lieutenant-Governor	96,030	90,000	96,000	96,000	
Salary of Chief Commissioner and Exchange Compensation Allowance	13,073	.....	... ..		
Salary of other officers paid in Bengal	...	.	8,000	.	
Staff and household of Lieutenant-Governor	87,883	80,000	1,23,000	81,600	Budget includes Rs. 4,000 for the maintenance of Motor Car, Rs. 900 for a driver for the same, and Rs. 600 for charges for saloon carriages. The revised estimate includes larger saloon carriage charges, larger expenditure on furniture and purchase of Motor Car.
Expenditure from contract allowance	38,178	40,000	45,000	40,000	
Tour Expenses	2,981	6,000	6,000	6,000	
Legislative Department	69,970	68,000	86,000	78,500	Revised includes Rs. 15,000 paid to the Maharaja of Gidhour on account of travelling allowance for attending Council Meetings. The budget includes pay of Additional Assistant Secretary and his establishment.
Civil Secretariats	6,40,180	5,91,000	6,79,000	6,17,000	The increase is partly under temporary establishment for sending papers to the new Province and partly under allowances and contingencies.
Board of Revenu	3,09,499	3,12,000	3,19,000	3,01,900	Reduction in budget is due to transfer of establishment to the new Province.
Commissioners	4,37,700	4,08,000	4,84,000	4,61,200	The increase in the revised is due to charges in connection with the Chaukidari panchayet and the cost of a Motor Car for the Commissioner of the Chota Nagpur Division. Budget includes Rs. 40,000 for increase of pay of ministerial establishment, Rs. 20,000 for a part of the cost of the steamer for the Commissioner of the Presidency Division, and Rs. 19,800 for additional establishment for the Division of Patna into two Commissionerships.
Civil Officers of Account and Audit	43,765	40,000	41,000	10,000	
Deduct— For rounding ..	.	... ...	.. .	(—)200	
Total ...	17,27,116	16,58,000	18,87,000	17,32,000	
Eastern Bengal ...	2,03,076	2,43,000	80,000	... ..	
Grand Total ...	19,27,272	19,02,000	19,67,000	17,32,000	

19A.—Law and Justice—Courts of Law—

Heads.	1904-1905. Actuals.	1905-1906. Sanctioned Estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
High Court—	Rs	Rs.	Rs.	Rs.	
Judges	7,48,281	7,56,000	7,56,000	7,64,000	Provision has been made for 14 Puisne Judges and the Chief Justice. No provision has been made for the Additional Judge for inspection work, as was done in 1905-06.
Original Side	2,59,712	2,64,000	2,68,000	2,66,000	
Appellate Side	2,46,389	2,91,000	2,85,000	2,90,000	
Copyists' Establishment	69,717	55,000	44,000	54,000	Provision has been made for 3 shorthand writers. The provision made in the budget for 1905-06 for the purpose has not been utilised.
Reporters	24,664	25,000	25,000	25,000	
Total	13,48,783	13,90,000	13,78,000	13,89,000	
Law Officers—					
English Law Officers	98,833	98,700	1,01,000	99,000	
Legal Remembrancer and High Court Pleaders	99,117	98,300	1,03,000	86,400	The decrease is due to provision for the minimum pay of the Deputy Superintendent. The increase in the revised is under charges for conducting law suits.
Mufassal Establishment	1,30,012	1,27,240	1,42,000	1,44,000	The increase is under Supplies and Services for fees to pleaders and counsels.
Total	3,27,962	3,14,240	3,40,000	3,29,400	
Coroner's Court	8,421	8,000	7,000	8,000	
Presidency Magistrates—					
Calcutta Police Court	81,041	90,000	93,000	90,000	The increase is under Contingencies and Supplies and Services.
Civil and Sessions Courts—					
District and Sessions Judges	8,56,107	8,42,294	8,44,000	8,77,843	Budget includes provision for one Judge for Darbhanga and an Additional Judge for 24-Parganas for 5 months and establishment for both
Subordinate Judge	4,04,773	4,38,576	4,10,000	4,40,493	Budget includes provision for an Additional Subordinate Judge, 24-Parganas, and his establishment.
Mufassal Small Cause Court	10,842	13,164	17,000	13,440	
Munsifs	9,94,420	10,07,463	9,94,000	9,92,820	
Allowance	20,492	21,720	21,000	22,000	
Supplies and Services	2,44,365	2,38,636	2,63,000	2,68,500	Budget includes larger provision for remuneration to copyists, diet and travelling allowances of witnesses and allowances to jurors and assessors.
Contingencies	84,419	83,789	80,000	87,236	Budget includes grant for the new Judge of Darbhanga and for Sambalpur.
Process-serving Establishment	4,24,754	4,28,756	4,22,000	4,29,217	
Deduct—Probable savings	.....	—12,995	.....	9,548	
Total	30,46,230	30,01,003	30,02,000	31,22,000	
Presidency Courts of Small Cause	1,63,761	1,69,000	1,61,000	1,71,000	The saving in revised is under Salaries
Criminal Courts—					
General Establishment	17,30,523	18,49,370	17,59,000	18,84,000	Budget includes provision for Additional Deputy Magistrates and their establishment, Rs. 10,000 for establishment of Honorary Magistrates for larger grant for travelling allowance of officers and establishment and larger grant for diet money to witnesses.
Subdivisional Establishment	92,066	94,419	94,000	98,000	
Process-serving Establishment	84,460	87,596	85,000	88,000	
Tributary Mahals, Orissa	1,330	.....	2,000	.....	
Total	19,17,379	20,31,385	19,40,000	20,70,000	
Pleadership Examination charges	12,013	12,000	12,000	12,000	
Returns	63,617	64,661	58,000	64,000	
Lump provision for increase of pay of ministerial establishment	.....	1,64,000	.....	2,17,000	
Grain Compensation Allowance	.....	.....	.....	70,000	
Deduct—Probable savings	.....	.....	.....	(—)1,40,000	
Total	69,78,696	73,13,295	70,54,000	74,00,000	
Eastern Bengal	28,83,808	28,86,705	16,25,000	.....	
Grand Total	98,62,504	1,02,00,000	86,79,000	74,00,000	

B.—Jails—

Heads.	1904-1905.	1905-1906.		1906-1907.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
...perintendence	51,742	54,000	55,000	54,000	
...blishments—					
Superintendents and Jailors	1,02,707	1,00,904	1,05,000	2,00,000	
Medical Establishment	28,570	30,788	22,000	29,000	
Clerical, Educational and Mechanical Establishments	700	400	...	400	
Warders' Establishment	1,56,329	1,50,196	1,60,000	1,64,000	
Menial and other Establishments	9,190	8,323	9,000	9,600	
...ary Charges	4,10,040	4,86,059	4,66,000	4,68,000	
...ital Charges	65,618	63,965	76,000	78,000	Increase is due to prophylactic issue of quinine to prisoners and warders.
...bing and Bedding of Prisoners	62,130	66,306	65,000	70,000	Based on local requirements.
...tution Charges	28,634	31,047	34,000	38,000	
...ges for moving prisoners	42,290	38,682	48,000	43,000	
...cellaneous Services and Supplies	89,828	1,02,328	76,000	1,17,000	Includes a provision of Rs. 20,000 for acquisition of land for Buxar Central Jail.
...ances	7,837	7,064	9,000	9,000	
...ingent Charges	31,978	33,500	32,000	34,000	
...ordinary Charges for Live-stock and Tools d Plant	25,051	19,487	20,000	24,000	
...ges for Police Custody	11,354	11,571	11,000	12,000	
Total Jails ...	12,23,768	13,15,219	12,81,000	13,50,000	
Manufactures	6,78,305	9,00,928	10,52,000	9,20,000	
...nds	172	1,000	.....	1,000	
Total ...	19,02,245	22,17,147	23,33,000	22,71,000	
Eastern Bengal	6,72,919	6,02,853	2,97,000	... ...	
GRAND TOTAL ...	25,75,164	28,20,000	26,30,000	22,71,000	

—*Police*—

...dency Police—					
...olice Commissioner (Superintendence) ...	72,985	68,000	69,000	67,000	The saving in the revised is under Salaries.
Calcutta Police	7,75,896	7,87,300	8,38,000	9,20,000	Budget includes provision for reorganization, which was partly given effect to in 1905-06.
River Police	9,777	9,700	10,000	8,800	
Salt Police	2,310	4,000	3,000	4,000	
Police Dead-houses	648	1,000	1,000	800	
Refunds	..			...	
Total ...	8,68,316	8,70,000	9,08,000	10,06,600	
...icipal Police	42,700	52,000	61,000	54,000	
...rintendence	1,85,253	1,63,000	1,94,000	2,01,000	Increase due to increase of pay and allowance and an additional Deputy Inspector-General.
...ict Police Force—					
...alaries	3,00,565	3,73,206	3,80,000	3,90,000	Increase due to increase in the number of Assistant District Superintendents.
Police Force	23,14,569	24,21,800	26,94,000	27,30,000	Increase for reorganization.
Training School for Sub-Inspectors	20,394	21,000	70,000	94,000	Provision has been made for larger number of instructive staff and establishment with larger grant for contingencies and allowances.
...establishment	1,02,754	97,700	1,04,000	1,30,000	Increased provision made for reorganization of establishment.
Hospital charges	32,976	30,400	33,000	36,700	Provision made for allowances of Assistant Surgeons and Civil Hospital Assistants.
...llowances	2,96,580	2,83,000	3,16,000	3,08,000	Budget includes special allowances in Angul Division and daily allowances of Inspectors and travelling allowances of constables.
Supplies and Services	4,44,997	4,37,000	4,48,000	3,01,000	The estimate for 1905-06 includes a special provision of Rs. 48,000 for the purchase of a steam launch.
...ump provision for Police Reforms	.....	.....	.....	4,00,000	
Contingencies	1,43,272	1,85,000	1,54,000	2,06,000	Increased grant for contingencies and rates and taxes on account of revision of assessment.
Other Police	28,781	20,800	31,000	25,000	
Total ...	37,47,168	48,73,600	42,30,000	47,14,700	
...s Police	52,883	51,800	47,000	51,000	

20.—Police—concluded.

Heads	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Special Police—					
Sikkim State Police	5,061	...	...	...	
Bengal Military Police	51,774	70,600	44,000	68,000	
Frontier Police, Chittagong	287	.....	...	..	
Ditto Angul	32,854	38,000	38,000	... ..	No provision made here as Angul Police has been amalgamated with the District Executive Force.
Upper Burma Police Depôt	4,825	5,000	2,000	5,000	
Total ...	94,801	1,13,600	85,000	63,000	
Railway Police—					
East Indian Railway Police	58,882	65,000	53,000	68,000	Increase due to reorganization.
Eastern System Railway Police	70,337	1,01,000	86,000	1,15,000	Increase due to reorganization and for amalgamation of the Bengal Central Railway Police.
Assam-Bengal Railway Police	253	.....	.....	.....	
Bengal and North-Western and Tirhut State Railway Police	10,328	14,000	13,000	16,000	Increase due to reorganization.
Bengal-Nagpur Railway Police	12,025	16,000	13,000	18,000	Increase due to reorganization and amalgamation of Sambalpur Force.
Cooch Behar Police	...	...	.....	500	
Bengal Central Railway Police	4,406	5,000	3,000	... .	Included under Eastern System Railway Police
Total	1,56,428	2,01,000	1,64,000	2,17,500	
Outla-pounds	1,767	1,000	1,000	1,000	
Refunds	10,780	30,000	11,000	12,200	
Grain compensation allowance	...			50,000	
Total ...	51,57,102	68,01,000	57,05,000	65,07,000	
Eastern Bengal	15,88,730	10,20,000	9,21,000	..	
Grand Total ..	67,45,832	78,20,000	66,24,000	65,07,000	

21.—Marine—

Salaries and allowances of officers and men afloat ...	61,433	76,000	85,000	76,000	The increase in the revised is for larger payments to officers and men attached to pilot vessel *Alice* and steam cruiser *Fraser*.
Victualling of officers and men afloat	23,710	25,000	24,000	24,000	
Purchase of marine stores and coal for the building, repairs and outfit of ships and vessels	75,510	1,06,700	97,000	1,23,000	Budget includes larger provision for purchase of marine stores for pilot vessels and steam cruiser *Fraser*.
Purchase and hire of ships and vessels	7,45,650	65,000	58,000	20,000	
Pilotage and pilot establishments	7,52,853	6,74,800	7,64,000	6,87,500	Larger payments of allowances to pilots caused the increase in the revised. The allowances are not expected to be as heavy in 1906-07 as in the current year.
Marine establishments	93,823	1,01,000	96,000	1,03,000	
Subsidies to steam-boat companies	20,000	23,000	16,000	20,000	
Miscellaneous	28,095	27,104	23,000	28,500	
State yacht establishment	2,367	6,500	5,000	6,100	
Refunds	16,214	1,000	8,000	8,000	Based on actuals.
Total ..	18,20,673	11,07,604	11,74,000	10,97,000	
Eastern Bengal	25,835	15,396	12,000	... .	
Grand Total ...	18,46,508	11,23,000	11,01,000	10,97,000	

2.—Education—

Heads.	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Direction	89,657	89,000	82,000	91,300	Budget includes local allowance of the non-departmental Director.
University	2,00,000	...	80,000	80,000	
Inspection—					
Inspector of European Schools	13,461	14,400	14,000	13,000	
Inspectors of other schools	2,25,526	2,24,547	2,54,000	4,19,000	The increase in the revised is due to the transfer of Sub-Inspectors of Schools from the District Boards to Education Department with effect from the 1st January 1906. Budget includes Rs. 1,67,000 on this account and also for increase under salaries and allowances.
Inspector of Hostels and students' messes .	...	... ..	2,000	3,500	
Total ...	2,48,987	2,38,947	2,70,000	4,35,500	
Government Colleges, General—					
English Colleges—					
Arts Colleges	3,22,452	3,71,222	3,76,000	3,74,000	
Eden Hindu Hostel	33,442	33,672	30,000	33,000	
Bethune College	36,946	38,000	39,000	40,300	
Oriental Colleges—					
Sanskrit College	37,794	40,000	39,000	41,000	
Calcutta Madrasa	55,432	54,000	53,000	55,000	
Elliott Madrasa Hostel	3,951	4,674	2,000	4,674	
Grants towards the Hostel attached to the Midnapur College		14,000	.....	...	
Expenditure on petty construction and repairs...	300	.....	.	.....	
Expenditure on furniture and apparatus ...	40,993	18,700	18,000	21,500	
		5,74,268	.. ..	5,69,474	
For rounding ..	... ..	154	... ..	474	
Total ..	5,31,350	5,74,422	5,57,000	5,69,000	
Government Colleges, Professional—					
Law Colleges ..	5,217	4,800	4,000	4,000	
Civil Engineering College, Sibpur, Howrah ...	1,98,183	2,22,000	2,06,000	2,74,000	The decrease in the revised is for savings in the grants for training of teachers for B and C classes, for mining course and some other petty grants. The increase in the budget is for increase in the number of professors and additional Instructors for Mining Engineering with their travelling and house allowances, and for the purchase of mining models and other requirements of the Mining Class.
Expenditure on furniture and apparatus	...	6,000	.....	13,000	Budget includes provision for the introduction of practical science and mining course in the Civil Engineering College.
		2,32,800		2,91,000	
For rounding ..	...	600	.....	900	
Total ..	2,03,400	2,32,200	2,10,000	2,91,900	
Government Schools General	4,85,828	5,55,596	5,09,000	5,50,000	The decrease in the revised is for saving in the provisions for Agricultural Classes, Agricultural Gardens, and for opening B and C classes in certain high schools. The increase in the budget is due to inclusion of schools in Sambalpur.
Government Schools, Special	3,10,572	3,45,147	3,33,000	5,75,000	The decrease in the revised is for savings in the grants for training institutions for girls, for zenana education by central gathering, for female teachers, house-to-house visitation, and for training institutions for primary school teachers. Budget includes one lakh for laboratories, fitting and other charges for Patna College and Rs. 75,000 for starting training colleges.

22.—Education—concld.

Heads.	1904-1905.	1905-1906.		1906-1907.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Grants-in-aid	7,62,097	7,27,048	8,30,000	7,80,000	Budget provides Rs. 7,00,000 for normal grants and Rs. 80,000 for grants to private colleges. Revised includes Rs. 30,000 for grants to private colleges and larger payments to primary schools and to schools for European boys and girls.
Technical Education	.....	.....	.....	1,35,000	One lakh for initial expenditure and Rs. 35,000 for recurring charges.
Scholarships	1,50,027	1,62,900	1,51,000	1,65,000	The decrease in the revised is for non-utilization of provisions for Apprentice Scholarships in Civil Engineering College, for the Bihar School of Engineering and for industrial Scholarships for students studying in Europe.
Miscellaneous	75,050	1,34,060	90,000	1,73,000	
Refunds	1,923	4,000	3,000	3,000	
Lump provision for Primary Education and provision for new Educational schemes	..	10,00,000	.....	2,97,200	
Grain compensation allowances	.. ..	..	.. ..	5,000	
Total ...	10,67,891	40,63,843	31,17,000	41,00,003	
Eastern Bengal . ..	5,64,111	6,88,160	5,13,000	..	
Grand Total ...	36,33,002	47,52,003	36,30,000	41,00,003	

24.—Medical—

HEADS	1904-1905.	1905-1906.		1906-1907.	REMARKS.
	Actuals.	Sanctioned estimate	Revised.	Budget.	
1	2	3	4	5	6
	Rs	Rs.	Rs	Rs	
Medical Establishment—					
Superintendence	77,030	87,500	83,000	80,400	The decrease is due to the separation of the office of the Sanitary Commissioner from the Inspector-General's Office.
District Medical Establishment	4,72,976	4,96,270	4,97,000	4,76,000	Budget based on the actual number of officers and the pay drawn by them.
Reserve Medical Officers and Subordinates .	16,287	20,000	21,000	20,000	
Total ...	5,67,193	6,03,770	6,01,000	5,76,400	
Hospitals and Dispensaries—					
Presidency Hospitals and Dispensaries—					
Medical College Hospital	1,60,232	1,61,000	1,61,000	1,85,000	The increase in the Budget is partly under salaries for increase of pay of officers, partly under establishment for increase of pay of servants, &c., for larger grants, for diet of patients and rates and taxes owing to revision of assessment
General Hospital	2,19,012	2,15,300	2,30,000	2,29,000	The increase is partly under salaries and partly for increased grants for diet of patients and medical stores.
Campbell Hospital	82,354	88,000	82,000	1,00,000	The increase is for additional nurses and additional grants for hospital clothing and diet of patients on account of increase in the number of patients.
Albert Victor Asylum for Lepers	18,230	21,100	19,000	19,200	
Mufassal Hospitals and Dispensaries	20,714	57,104	1,71,000	68,000	The increase is due to the increase in the number of Assistant Surgeons and Civil Hospital Assistants in charge of dispensaries
Grants to Mufassal Hospitals and Dispensaries	2,15,780	85,089		1,15,400	Budget includes Rs. 8,100 for capitation grant for Leper Asylum at Purulia and grants to Motihari, Arrah and other dispensaries. A reserve has also been provided for grants to other Leper Asylums.
Probable savings	...	6,18,193 —8,000	...	... ...	
Total ...	7,16,308	6,10,193	6,63,000	7,21,600	
Vaccination and Vaccination —	1,77,600	1,66,177	1,79,000	2,40,000	Budget includes Rs. 20,000 for anti-malarial measures, Rs 10,100 on account of fees and allowance of Dr. Gilbert Fowler on deputation to report on septic tanks in Bengal and Rs 7,000 for collection of sanitary statistics proposed by Sanitary Commissioner with the Government of India, and also for increase in the number of vaccinators for Sambalpur
Grants for Medical purposes—					
Expenses during the prevalence of plague	81,004	70,000	92,000	90,000	Budget based on actuals Revised includes grants to the Jhoria Plague Committee.
Expenses during the prevalence for Sambalpur	.	.....			
Expenses during the prevalence of epidemics	1,076	2,000	6,000	2,000	
Expenses in connection with cholera inoculation	5,108	5,000	3,000	..	
Value of medical stores	10,549	9,000	9,000	9,000	
Exchange compensation allowances	187	.	.	...	
Total Grants for medical purposes	98,924	86,000	1,10,000	1,01,000	
Medical Schools and Colleges—					
Medical College	1,74,537	1,91,000	2,18,000	2,45,400	The increase in the budget is for increase in the number of Professors and Demonstrators and for the revision of the pay of Professors, for cost of supply of electric current, for increased grant under scholarships, cost of medical stores, models and diagrams, and rates and taxes on account of increased assessment.
Medical Schools	1,10,003	1,17,000	1,14,000	1,17,400	
Total ...	2,84,631	3,08,000	3,32,000	3,62,800	
Lunatic Asylum	1,09,000	1,18,576	1,13,000	1,09,700	The decrease is under Salaries.
Central Hospital	10,073	12,500	10,000	12,000	
Central Examiner	45,024	50,000	35,000	53,000	The saving in the revised is under salaries.
Contingencies	2,311	1,000	2,000	1,000	
Rent and compensation allowance		...		6,000	
				21,89,200	
Deduct—For rounding ...	..	...		—200	
Total ...	19,91,050	19,56,315	20,45,000	21,89,000	
Eastern Bengal	3,16,793	3,18,685	1,67,000	..	
GRAND TOTAL ...	23,07,843	22,75,000	22,12,000	21,89,000	

25.—Political—

Heads.	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	Remarks.
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Entertainment of Envoys and	1,979	15	1,000	200	
Durbar presents and allowances to Vakils, etc. ...	8,841	10,700	10,000	5,800	
Miscellaneous	2,075	6,264	5,000	4,000	Estimate based on actuals.
		16,979			
For rounding		21			
Total ...	12,895	17,000	16,000	10,000	
Eastern Bengal	8,155	5,000			
Grand Total	20,850	22,000	16,000	10,000	

26.—Scientific and other Minor Departments—

Preservation and translation of ancient manuscripts	6,200	6,000	6,000	8,000	
Veterinary and Stallion Charges	78,706	1,83,857	89,000	1,30,000	The decrease in the revised is due to the non-utilization of the lump provision of Rs. 60,000 for the extension of the Institute at Bezwada and of Rs. 1,000 for the introduction of Glanders and Farcy Acts. Budget includes provision for an additional lecturer, for increase in the number for servants for hostel, and for increase in dieting charges.
Registrar of Co-operative Credit Societies ...	5,906	25,000	16,000	28,000	Budget includes increase of pay and allowance of the Registrar.
Imperial Institute	...	500	...	500	
Donations to Scientific Societies	8,000	8,000	8,000	8,000	
Experimental Cultivation	1,04,408	1,79,450	1,77,000	1,80,000	The revised includes expenditure from the special part made by the Government of India, since the passing of the budget but on the other hand there has been decrease for the non-utilization of the grant of Rs 25,000 for a farm to demonstrate the value of irrigation, Rs. 50,000 for the cattle breeding farm at Pusa and Rs. 8,000 for two boat rowing farms. Provision has been made in the budget for the development of the Agricultural Department
Cinchona Plantation	1,97,958	2,36,000	1,97,000	2,26,000	The decrease in the revised is due chiefly to the non-utilisation of the provision of Rs. 21,000 for Munsong Plantation. Budget includes Rs. 26,540 for the same purpose
Public Exhibitions and Fairs	3,067	3,000	3,000	3,000	
Botanical and other Public Gardens	1,71,453	1,52,000	1,50,000	1,11,000	Budget includes Rs. 5,000 for supervision of public gardens in and near Calcutta
Emigration	24,985	26,000	22,000	24,000	
Inspector of Factories	24,327	33,000	30,000	32,000	Budget includes pay for the appointment of an additional inspector.
Census	1,120	1,500	1,000	1,700	
Gazetteer and Statistical Memoirs ...	21,584	47,000	17,000	22,000	
Registration of Railway Traffic	8,872	8,700	9,000	9,000	
Registration of River-borne Traffic ..	4,731	5,000	4,000	3,100	
Provincial Statistics	15,887	17,398	19,000	24,000	The increase is for the increased number of clerks employed in the 24 Parganas for the registration of internal road borne traffic.
Examinations	3,912	4,500	5,000	4,500	
Bacteriology	8,898	10,000	9,000	10,000	
Inspector of Mines	2,800	...	2,000	...	
Miscellaneous	21	.....	...	...	
Refunds	150	500	...	100	
Total ...	6,04,514	9,27,185	7,60,000	10,76,000	
Eastern Bengal	5,984	13,815	5,000	...	
Grand Total ...	7,00,388	9,40,000	7,65,000	10,76,000	

27.—Superannuation—

Superannuation and retired allowances ...	22,38,128	23,52,000	23,44,000	24,81,000	Increased provision made to meet the annual growth of expenditure as well as to meet the charges of Police forces hitherto paid from the Police Superannuation Fund.
Compassionate allowances	15,856	16,000	11,000	16,000	Estimate based on the average actuals of last three years.
Gratuities	2,819	2,000	2,000	2,000	
Marine Department pensions	29,191	30,000	30,000	32,000	
Refunds	71	... ...	... ...	.....	
Total ...	22,86,065	24,07,000	23,86,000	25,37,000	
Eastern Bengal	4,14,224	4,08,000	2,89,000	.....	
Grand Total ...	27,07,289	28,15,000	26,25,000	25,37,000	

0.—Stationery and Printing—

HEADS	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	REMARKS.
1	2	3	4	5	6
	Rs	Rs.	Rs	Rs.	
ationery Office at the Presidency	86,106	65,000	54,000	71,000	Budget includes increased grant for contingencies and Rates and taxes on account of the removal of the office to Dalhousie.
Ditto purchased in the country	37,367	44,000	41,000	43,000	
overnment Presses	3,02,669	4,13,000	3,57,000	4,13,000	The decrease in the revised is for smaller expenditure under piece-hand establishment and contingencies.
nting at Private Presses ...	933	700	1,000	1,000	
tionery supplied from Central Stores ..	4,83,420	5,48,000	5,80,000	5,00,000	
funds	805	1,800	1,000	1,000	
Total ...	9,71,423	10,71,500	10,34,000	10,29,000	
Eastern Bengal ...	1,32,440	1,50,500	9,000	-	
GRAND TOTAL	11,03,863	12,22,000	10,43,000	10,29,000	

—Miscellaneous—

welling allowances to officers attending examinations	4,679	4,500	7,000	5,000	Based on actuals.
scription to periodicals	...	5,000		5,000	Nominal provision to meet unadjusted debits.
ward for proficiency in Oriental languages, and llowance to Language Examination Committee.	14,799	11,000	12,000	12,000	Increase with reference to actuals.
l of books and publications ..	8,760	1,000	1,000	1,000	
ations for charitable purposes	1,40,317	1,20,800	1,82,000	1,29,000	Budget includes provision for expenses for sending indigent persons bitten by rabid dogs to Pasteur Institute. The revised includes special grants of Rs 45,000 to the Lady Dufferin Victoria Hospital and Rs. 12,500 to the Calcutta Female Nurses Institution
arges on account of European vagrants	5,208	7,000	11,000	7,000	
wards for destruction of wild animals ...	6,581	5,000	6,000	6,000	
ty establishments	35,097	27,000	18,000	17,000	
cial Commissions of Enquiry	3,097	44,000	22,000	25,000	Budget includes provision for Ministerial Officers Committee. The charges on account of Mr Savage's deputation to Chaukidari Panchayet for which provision was made in the budget for 1905-1906 is being recorded under General Administration.
odds charges		..	9,000	9,000	Included under Petty establishments in 1904-05 and in the estimate for 1905-06
onvertable temporary loans written off	5,100	14,000	8,000	8,000	Estimate based on normal expenditure exclusive of special payments.
rges for search of hidden Treasure	10	... ..	...	...	
ts, Rates, and Taxes	28,749	25,000	30,000	30,000	Based on actuals.
tributions	4,021	4,000	23,000	6,000	Increase in the Revised is due to the payment of compensation to the Patna Municipality for loss of ferry income caused by the establishment of ferry service by Bengal North-Western Railway between Paleza and Mariakang Ghats.
cellaneous and unforeseen charges	41,620	6,000	23,000	7,000	The actuals for 1904-05 represent special payments for compensation to the proprietor of Lochnagar Estate in Darjeeling and fees to Government Pleader for conducting the suit in connection thereto. The revised includes special charges of Rs 19,000 on account of pay and allowance of Mr. Holt, late Manager, Khagr Estate in Purnea.
ellaneous refunds	9,625	4,000	8,000	9,000	
nditionary item	...	... ..	...	.....	
rounding	...	-400			
Total ..	3,05,807	2,70,000	3,60,000	2,77,000	
Eastern Bengal ...	30,915	35,000	16,000	..	
GRAND TOTAL .	3,42,812	3,14,000	3,75,000	2,77,000	

—Railway Revenue Account—Subsidised Company's land.

charges of the Bengal Provincial Railway ..	3,968	.....	.. .	...	

—Irrigation—Major Works—(Working Expenses)—

n Canals	3,18,386	3,46,000	3,38,172	3,28,000	
ajor Protective	1,31,362	1,60,000	1,51,190	1,94,000	
d Tidal Canals	47,052	20,000	38,138	60,000	
Canal	4,90,092	5,61,000	5,22,500	5,53,000	
Total ...	9,86,905	11,06,000	10,50,000	10,75,000	

42.—Irrigation—Major Works—(Interest on Debt)—

Heads.	1904-1905.	1905-1906.		1906-1907.	Remarks.
	Actuals.	Sanctioned estimate.	Revised.	Budget.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	
Interest	24,51,988	24,52,000	24,52,000	24,52,000	

43.—Minor Works and Navigation—

IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.					
Irrigation and Navigation Works.					
Works for which Capital and Revenue Accounts are kept.					
Capital.					
Works in Progress.					
Midnapore Canal	4,028	13,000	7,476	26,000	Budget provision is for constructing permanent outlets, additions to weirs and other improvements for the control of irrigation from the canal.
Orissa Canals	28,333	41,000	23,000	49,500	Budget provision is for Dudhia canal.
Sone Canals	3,365	10,000	1,769	4,500	
Damudar Canal	—1,300	.....	.....	.....	
Saran Canals	1,775	.....	939	.....	
Calcutta and Eastern Canals	2,51,074	3,24,000	6,70,588	4,50,000	The revised estimate includes Rs. 3,90,000 for a suction dredger while the budget is wholly for the same purpose.
Orissa Coast Canal	—302	.....	.....	.....	
Total Capital ...	3,18,973	3,87,000	6,03,752	5,30,000	
Revenue.					
Orissa Coast Canal	48,490	58,000	65,306	91,000	
Saran Canals	1,822	3,500	4,071	5,100	
Calcutta and Eastern Canals	3,18,614	2,97,500	3,28,542	3,04,000	
Total Revenue ...	3,68,926	3,59,000	3,97,919	4,00,100	
Total Works for which Capital and Revenue accounts are kept	6,85,898	6,46,000	10,01,671	9,30,100	
Works for which only Revenue Accounts are kept.					
Works in Progress.					
Nadia Rivers	1,24,238	1,15,000	1,15,902	1,18,700	
Gaighatta and Buxi Khals	10,174	1,000	975	2,900	
Total Works for which only Revenue accounts are kept	1,34,412	1,16,000	1,16,937	1,21,600	
Works for which neither Capital nor Revenue Accounts are kept.					
Works in Progress.					
Eden Canal	34,780	39,000	36,462	37,300	
Taur Canal	11,654	6,000	2,945	4,000	
Improvement of Navigable channels—Ganges river	65,132	45,000	48,630	.....	
Sugarcane irrigation by pumping at Otter	10,398	....	13,958	40,000	
Total Works for which neither Capital nor Revenue accounts are kept ...	1,21,964	89,000	1,01,885	81,300	
Total Irrigation and Navigation Works ...	9,42,276	8,51,000	12,20,493	11,33,000	
Agricultural and Drainage Works.					
Works for which neither Capital nor Revenue Accounts are kept.					
Works in Progress.					
Government embankments and works for the improvement of Government and escheated estates	4,07,048				
Midnapore takavi embankments under contract ...	64,858				
Gandak takavi embankments under contract ...	84,163	11,14,000	10,09,694	10,26,330	The budget includes Rs. 1,40,000 for the Mogra Hat drainage scheme and Rs. 75,000 for the drainage of the Bhairab Valley in the district of Jessore.
Rajpur and Howrah Drainage	14,652				
Works in charge of Civil Officers	.....				
Mogra Hat Drainage Project	1,14,503				
Total Agricultural ...	7,44,724	11,14,000	10,09,694	10,26,330	
Reserve	.....	30,000	.....	25,670	
Rounding	.....	... ..	(—)187	.....	
Total in charge of the Public Works Department ...	16,86,998	20,01,000	22,30,000	21,85,000	
IN CHARGE OF CIVIL DEPARTMENT.					
Embankments under the contract system—					
Establishments	1,474	1,462		5,703	Provision has been made for charges on account of the embankment cess establishments in Saran, Champaran, Muzaffarpur and Darbhanga.
Contingencies	47	46	9,000	910	
Maintenance charges of the Howrah and Rajpur drainages	4,939	3,276		3,276	
Refunds	9	.....		.....	
Add—For rounding ...	.....	224	... ..	113	
Total in charge of the Civil Department ...	5,569	5,000	9,000	10,000	
Grand Total ...	16,92,567	20,06,000	22,39,000	21,95,000	

45.—Civil Works—

HEADS.	1904-1905. Actuals.	1905-1906. Sanctioned estimate.	1905-1906. Revised.	1906-1907. Budget.	REMARKS.
1	2	3	4	5	6
IN CHARGE OF THE PUBLIC WORKS DEPARTMENT.	Rs.	Rs.	Rs.	Rs.	
Original Works.					
Civil Buildings ... ... { In progress ... / Not commenced ...	29,05,172	14,55,000 / 13,46,700	35,22,000	18,67,300 / 27,99,800	
Communications ... ... { In progress ... / Not commenced ..	3,10,235	2,54,600 / 20,000	2,61,000	1,31,300 / 20,000	
Miscellaneous Public Improvements. { In progress ... / Not commenced ...	1,15,384	50,000 / 35,000	1,44,000	1,700 / 49,000	
Total ...	33,30,811	31,00,300	39,07,000	48,69,000	
Repairs.					
Civil Buildings	5,87,351	5,70,000	4,47,000	4,70,000	
Communications	8,07,747	8,13,700	8,13,000	9,15,000	
Miscellaneous Public Improvements	80,700	1,07,000	1,07,000	1,15,000	
Total ...	14,74,798	14,90,700	13,67,000	15,00,000	
Establishment	9,31,378	9,59,800	8,91,000	9,23,825	
Tools and Plant	64,022	87,110	42,000	32,175	
Stock and Suspense	35,900	.....	—19,000	.....	
Total in charge of Public Works Department ...	58,37,018	(a)60,48,900	(b)61,88,000	73,25,000	(a) Includes Rs. 7,62,000 for Eastern Bengal. (b) Includes Rs. 3,25,000 for Eastern Bengal for six months and-a-half.
IN CHARGE OF THE CIVIL DEPARTMENT.					
Ferry charges	7	6,312	50,000	9,136	
,, refunds	39,646	27,150		30,000	
Staging bungalows	6,994	9,713		8,448	
Encamping grounds	133	787		568	
Contributions in aid of Excluded Local Funds and Municipalities	1,45,660	5,71,500	2,14,000	8,00,000	Budget includes Rs. 84,562 for an Incinerator in Calcutta, for grants for water-works, in Bhagalpur and Monghyr Municipalities and for sanitary improvements to the Puri Municipality.
Reserve for Police, Jails and other buildings ...	.....	4,51,000	.....	2,81,852	This is chiefly for Police buildings, water-works and Sanitary improvements in the town of Darjeeling, and for the initial expenditure for separation of Patna division into two Commissionerships.
	1,82,340	20,61,442	2,73,000	11,30,000	
Eastern Bengal	30,305	5,13,558	2,000	...	
Total in charge of the Civil Department ...	2,18,645	25,82,000	2,75,000	11,30,000	
GRAND TOTAL ...	60,56,563	82,30,000	64,63,000	84,55,000	

Contributions from Provincial to Local.

HEADS.	Actuals, 1904-1905.	Sanctioned Estimate, 1905-1906.	Revised, 1905-1906.	Budget, 1906-1907.	REMARKS.
1	2	3	4	5	6
	Rs.	Rs.	Rs	Rs.	
Land Revenue	33,000	20,000	26,000	14,000	
Provincial Rates	.....	1,000	1,000	11,000	
Post Office	.....	1,000	... ...	.....	
Education	.....	4,35,000	3,25,000	2,000	The decrease is chiefly due to the transfer of Sub-Inspectors of Schools from the service of District Boards to that of Government from 1st January 1906. The increase in the revised is for the special grant of Rs. 4,80,000 made through the Divisional Commissioners to District Boards for primary school buildings out of the special assignment of 10 lakhs under 22—Education.
Medical	5,000	3,000	3,000	3,000	
Scientific and other Minor Departments	4,000	7,000	8,000	7,000	
Civil Works	3,88,000	3,18,000	2,55,000	4,30,000	
Miscellaneous	29,000	....	3,000	.....	
Grant to establish equilibrium ...	7,70,000	17,06,000	12,11,000	14,43,000	Includes the additional assignment equivalent to one-fourth of road cess receipts.
Total ...	10,28,000	25,12,000	23,66,000	19,10,000	
Eastern Bengal ...	3,80,000	8,01,000	5,65,000	.....	
GRAND TOTAL ...	14,53,000	33,13,000	29,31,000	19,10,000	

APPENDIX C.

Estimates and Revised Estimates of Receipts, 1905-06.

[The figures are in thousands of rupees.]

Heads.	Sanctioned Estimate for undivided Bengal.	Estimate of Eastern districts included in column 2.	Difference between columns 2 and 3.	Estimate of Sambalpur for last 5½ months.	Total of columns 4 and 5, i.e., estimate of New Bengal.	Revised estimate for New Bengal.	Actuals of first 6½ months of Eastern Districts.	Total of columns 7 and 8.
1	2	3	4	5	6	7	8	9
Principal Heads of Revenue—	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
I.—Land Revenue { Proper ...	1,07,76	33,16	74,60	22	74,82	74,52	10,55	85,07
I.—Land Revenue { Adjustments	+ 86,35		86,35	...	+ 86,35	+ 93,49		+ 93,49
IV.—Stamps	1,07,00	37,52	69,48	11	69,59	71,00	20,26	91,26
V.—Excise	75,91	12,47	63,44	31	63,75	66,72	6,95	73,67
VI.—Provincial Rates ...	53,34	16,43	36,91	6	36,97	36,93	7,87	44,80
VIII.—Assessed Taxes ...	12,75	1,76	10,99	...	10,99	11,37	90	12,33
IX.—Forests	3,00	75	2,25	4	2,29	2,40	32	2,72
X—Registration ...	17,00	6,78	10,22	1	10,23	10,64	3,68	14,32
Total ...	4,63,11	1,08,87	3,54,24	75	3,54,99	3,67,07	50,59	4,17,66
XII.—Interest	3,35	24	3,11	1	3,12	2,82	9	2,91
Receipts by Civil Department—								
XVI.—Law and Justice—								
Courts of Law	8,14	2,39	5,75	3	5,78	5,40	1,37	6,77
Jails ...	14,00	1,50	12,50	4	12,54	12,60	68	13,28
XVII.—Police	2,00	16	1,84	...	1,84	1,80	6	1,86
XVIII.—Marine	13,25	20	13,05	...	13,05	16,50	14	16,64
XIX.—Education	7,70	1,58	6,12	1	6,13	6,10	77	6,87
XX.—Medical	4,37	6	4,31	1	4,32	5,46	3	5,49
XXI.—Scientific and other Minor Departments	2,57	1	2,56	..	2,56	2,78	...	2,78
Total ...	52,03	5,90	46,13	9	46,22	50,14	3,05	53,19
Miscellaneous—								
XXII.—Receipts in aid of Superannuation	73	6	67	3	70	60	5	65
XXIII.—Stationery and Printing ...	1,40	13	1,27	...	1,27	1,27	8	1,35
XXV.—Miscellaneous	10,09	3,29	6,80	...	6,80	5,26	36	5,62
Total	12,22	3,48	8,74	3	8,77	7,13	49	7,62
Irrigation—								
XXIX.—Major works (direct receipts) .	20,00	...	20,00	..	20,00	21,50	...	21,50
XXX.—Minor works and navigation—								
By Public Works Department	6,50	.	6,50	...	6,50	6,80	...	6,80
„ Civil Department ...	1,28	...	1,28	.	1,28	1,28	...	1,28
Total ...	27,78	...	27,78	.	27,78	29,58	...	29,58
Buildings and Roads—								
XXXII.—Civil Works—								
By Public Works Department	2,80	...	2,80	..	2,80	2,02	...	2,02
„ Civil Department ...	2,41	59	1,82	...	1,82	1,79	26	2,05
Total ..	5,21	59	4,62	.	4,62	3,81	26	4,07
Contributions	63	22	41	...	41	50	7	57
Grand Total ...	5,64,33	1,19,30	4,45,03	88	4,45,91	4,61,05	54,55	5,15,60

APPENDIX C.

Estimates and Revised Estimates of Expenditure, 1905-06.

[The figures are in thousands of rupees.]

HEADS.	Sanctioned Estimate for undivided Bengal.	Estimate of Eastern districts, included in column 2.	Difference between columns 2 and 5.	Estimate of Sambalpur for last 5½ months.	Total of columns 4 and 5, *i.e.*, estimate of New Bengal.	Revised estimate for New Bengal.	Actuals of first 6½ months of Eastern Districts.	Total of columns 7 and 8.
1	2	3	4	5	6	7	8	9
	Rs	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Direct demand on the revenues—								
1. Refunds and drawbacks ...	1,85	21	1,14	...	1,14	1,09	13	1,22
2. Assignments and Compensations ...	1,62	39	1,23	...	1,23	36	7	43
3. Land Revenue	47,22	12,60	34,62	51	35,13	32,32	8,28	40,60
6. Stamps	3,50	1,36	2,14	1	2,15	1,85	38	2,23
7. Excise	3,78	61	3,17	1	3,18	3,04	33	3,37
8. Provincial Rates	92	31	61	1	62	57	22	79
10. Assessed Taxes	39	7	32	...	32	35	3	38
11. Forests	1,91	50	1,41	5	1,46	1,38	19	1,57
12. Registration	9,96	3,95	6,01	...	6,01	5,95	2,22	8,17
Total ...	70,65	20,00	50,65	59	51,24	46,91	11,85	58,76
13. Interest on ordinary debt ...	2,22	30	1,92	...	1,92	2,05	...	2,05
Post office	...	...	...	1	1	1	...	1
Salaries and Expenses of Civil Department—								
18. General Administration ...	10,02	2,43	16,59	...	16,59	18,87	80	19,67
19. Law and Justice { Court of Law ...	1,02,00	28,87	73,13	19	73,32	70,54	16,25	86,79
19. Law and Justice { Jails ...	28,20	6,02	22,18	8	22,26	23,33	2,97	26,30
20. Police	78,00	15,29	63,61	33	63,94	57,03	9,21	66,24
21. Marine	11,23	15	11,08	...	11,08	11,79	12	11,91
22. Education	47,52	6,88	40,64	9	40,73	31,17	3,13	34,30
24. Medical	22,75	3,19	19,56	6	19,62	20,45	1,67	22,12
25. Political	22	5	17	...	17	16	..	16
26. Scientific and other Minor Department.	9,40	13	9,27	...	9,27	7,50	5	7,55
Total ...	3,10,24	63,01	2,56,23	75	2,56,98	2,40,84	34,20	2,75,04
Miscellaneous—								
29. Superannuation, &c.	28,15	4,08	24,07	6	24,13	23,94	2,29	26,23
30. Stationery and Printing ...	12,22	1,50	10,72	...	10,72	10,34	9	10,43
32. Miscellaneous	3,14	35	2,79	1	2,80	3,60	15	3,75
Total ...	43,51	5,93	37,58	7	37,65	37,88	2,53	40,41
Irrigation—								
42. Major Works—								
Working expenses .	11,04	..	11,04		11,04	10,50	...	10,50
Interest on debt .	24,52		24,52	..	24,52	24,52	...	24,52
43. Minor Works and Navigation—								
By Public Works Department .	20,04	...	20,04	.	20,04	22,30	...	22,30
„ Civil Department ...	5		5	.	5	9	..	9
Total ..	55,65	...	55,65	...	55,65	57,41	...	57,41
Buildings and Roads	..	...	...	...	...	.	...	...
45. Civil Works—								
By Public Works Department	56,48	7,62	48,86	35	49,21	58,63	3,25	61,88
„ Civil Department ..	25,82	5,16	20,66	...	20,66	2,73	2	2,75
Total .	82,30	12,78	69,52	35	69,87	61,36	3,27	64,63
Contributions	33,13	8,01	25,12	2	25,14	23,66	5,65	29,31
GRAND TOTAL ...	6,06,70	1,10,03	4,96,67	1,79	4,98,46	4,70,12	57,50	5,27,62
Provincial surplus (+) or deficit(−)	−42,37	+9,27	−51,64	−91	−52,55	−9,07	−2,95	−12,02

The Council was then adjourned to Saturday, the 7th April, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

CALCUTTA:
The 24th April 1906.

B. S. Press—12993—900—3-5-1906—B. D. L.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

THE Council met in the Council Chamber on Saturday, the 7th April, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. L. HARE, C.S.I., C.I.E.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. S. P. SINHA, Offg. Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. L. P. SHIRRES.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble MR. J. D. NIMMO.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. SYED SHURFUDDIN.

The Hon'ble MR. W. T. SPINK.

NEW MEMBERS.

The Hon'ble MESSRS. S. P. SINHA and W. T. SPINK took their seats in Council.

QUESTIONS AND ANSWERS.

MALARIA IN ARRAH.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Has the attention of the Government been drawn to the marginally-noted statement* occurring in the course of a leading article on "Famine and Irrigation" published in the *Amrita Bazar Patrika* newspaper of the 16th March, 1906 (Dâk Edition), and will the Government be pleased to state if the matter has ever been inquired into? If so, with what result? If not, will the Government be pleased to appoint an independent Committee to inquire into and report on the matter?

* "Arrah was one of the healthiest districts in India; it is now one of the most malaria-stricken places owing to the canal system."

The Hon'ble MR. SHIRRES replied:—

"The question was inquired into by a Commission appointed in 1887 to examine the working of the Sone Canals Administration. The conclusions of that Committee were dealt with in a note by Lieut.-Col. C. W. I. Harrison, R.E., the then Chief Engineer, Bengal, and were considered by Government in the Resolution in the Public Works Department No. 206-I., dated 4th February, 1890. Both Lieutenant-Colonel Harrison's note and the Resolution were published in the Calcutta Gazette of the 12th February, 1890. The subject was dealt with in paragraphs 59-61 of the note and in paragraph 12 of the Resolution. In the Sanitary Report for 1904 the Sanitary Commissioner reported that the most malarious parts of the district were those in which canal irrigation was not carried on. This was also noted by Government in the Resolution quoted above."

WATER-SUPPLY REGISTERS IN THE MUFASSAL.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state if the District Boards and Municipalities of Bengal have made the water-supply survey of the areas under their respective jurisdictions as intimated by the Hon'ble Mr. Baker,† in reply to a question put by the Hon'ble Babu N. N. Sen at a meeting of the Bengal Legislative Council held on the 15th April, 1899? If such a survey has been made, will the Government be pleased to lay on the table a statement giving the details of the survey, district by district? If such a survey has not been made, will the Government be pleased to ask the District Boards and Municipalities to do it and submit an early report?

† The Hon'ble Mr. Baker replied:—

* * * *

"At the same time every District Board and Municipality was required to make a kind of water-supply survey of the area under its jurisdiction, and to prepare two registers showing the existing sources of supply of every town or village containing more than 100 houses, together with information as to the purity or otherwise of every tank, well or stream, and its ownership."

The Hon'ble MR. SHIRRES replied:—

"The question presumably refers to the water-supply registers prescribed under Circulars Nos. 7T.M., and 8T.M., dated the 15th May, 1896, in which Municipalities and District Boards were instructed to prepare two registers showing whether the existing sources of water-supply were sufficient for the requirements of the population and what ought to be done to extend or to improve them. Practically the same question was asked at the meeting of the Bengal Legislative Council held on the 9th April, 1902 by the Hon'ble Maharaja Manindra Chandra Nandy, of Cossimbazar. The Hon'ble Member is referred to the answer given by the Hon'ble Mr. Kisch to that question which contains the information required. This answer was published in Part IVA of the Calcutta Gazette, dated the 14th May, 1902."

[*Babu Jogendra Nath Mukherjee; Mr. Carlyle.*]

THE SUBORDINATE EXECUTIVE SERVICE.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

(*a*) Will the Government be pleased to lay on the table a statement showing—(*i*) the number of Deputy Collectors and Sub-Deputy Collectors appointed by the Bengal Government who, though residents of Western Bengal, have been transferred to Eastern Bengal; and (*ii*) the number of Deputy Collectors and Sub-Deputy Collectors who have been kept in Western Bengal, though residents of Eastern Bengal?

(*b*) Is it a fact that, when the partition of Bengal was ordered, the Government of India gave special orders that, as far as possible, officers should be kept in their home Province?

(*c*) In the Civil List of the old Province corrected up to January, 1906, it is found that some officers have been transferred to Eastern Bengal and their names have been omitted from that list. Does it mean that their cases have been finally disposed of, and that they shall be compelled to serve in the Province of Eastern Bengal and Assam even if they do not wish to remain there? Will the Government be pleased to reconsider the matter, and ask for the opinion of the officers concerned before finally deciding it?

(*d*) In case the Government is unable to provide for all officers who are residents of the Western Province in that Province, will the Government be pleased to allow such officers as may be unwilling to serve in Eastern Bengal the option of retiring with such compensation pension or gratuity as they may be entitled to under the rules?

(*e*) Will the Government be pleased to devise some scheme which will admit of the transfer of Deputy Collectors and Sub-Deputy Collectors from one Province to the other at their request?

(*f*) Will the Government be pleased to state what orders, if any, have been passed with regard to the granting of travelling allowances to Sub-Deputy Collectors who at present do not get any halting allowance or anything for travelling up to 15 miles by road, a question which the Government once before declared to be under consideration, and also state what orders have been passed regarding the counting of the officiating period of their service towards pension as in the case of Deputy Collectors, which matter also the Government was pleased to declare once before to be under consideration?

The Hon'ble MR. CARLYLE replied:—

(*a*) A statement is laid on the table showing (*i*) the number of Deputy Collectors and Sub-Deputy Collectors appointed by the Bengal Government, residents of Western Bengal, serving in Eastern Bengal, and (*ii*) the number of Deputy Collectors and Sub-Deputy Collectors, residents of Eastern Bengal, but kept in this province.

(*b*) The orders of the Government of India were to the effect that in working out the final constitution of the staff of each province, the utmost consideration compatible with the interests of the public service should be shown to the wishes of individual officers as to the province in which they should be employed.

(*c*) The fact that the names of officers serving in Eastern Bengal have been omitted from the Civil List corrected up to January 1906, does not mean that the cases of these officers have been finally disposed of.

(*d*) The question of offering compensation pension or gratuity has not been considered, and it is very unlikely to arise. In the course of time, it will probably be possible to allow officers, residents of this province, to return to it.

(*e*) No scheme can be devised by which Deputy Collectors and Sub-Deputy Collectors could at once be transferred from one province to the other at their request. It will probably be possible to do so in the course of a few years.

(*f*) The question of the travelling allowance of Sub-Deputy Collectors holding certain appointments has lately been decided by the Government of India in their favour. The general question has not been considered.

[*Babu Jogendra Nath Mukherjee; Mr. Richardson; Babu Ambika Ch. Mazumdar.*]

As regards the second portion of the question, the Hon'ble Babu Jogendra Nath Mukherjee is referred to article 375 of the Civil Service Regulations, which lays down the conditions on which the services of sub. *pro tem.* Sub-Deputy Collectors count towards pension.

Statement referred to in the above answer.

Number of Deputy Collectors and Sub-Deputy Collectors appointed by the Bengal Government, residents of Western Bengal, serving in Eastern Bengal:—

Deputy Collectors	...	...	32
Sub-Deputy Collectors	...	...	17

Number of Deputy Collectors and Sub-Deputy Collectors, residents of Eastern Bengal, but kept in this province:—

Deputy Collectors	...	...	22
Sub-Deputy Collectors	...	...	10

VERNACULAR TEXT-BOOKS.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

Will the Government be pleased to call for a report from Head-masters of Indian Schools as to whether the number of vernacular text-books introduced into the lower classes are too many and too difficult for the understanding of the boys?

The Hon'ble MR. RICHARDSON replied:—

"In the opinion of the Government it is unnecessary to call for reports from Head-masters of Indian Schools, as suggested by the Hon'ble Member."

"An inquiry has already been instituted as regards the text-books prescribed or approved for use up to the end of the lower primary course, and the Government expects shortly to be favoured with the report of a Committee which has been appointed to consider the subject. It is anticipated that on the basis of the Committee's report it will be found possible largely to reduce the number of text-books, and that the revised list will contain only text-books written in simple language, understood by the people."

"As regards upper primary and middle vernacular schools, the Government has under its consideration the question of the revision of the courses of studies in these schools and the connected question of curtailing and simplifying the text-books now in use."

SUBJECTS DEALT WITH BY THE SECRETARIES TO GOVERNMENT BEFORE AND AFTER THE PARTITION OF BENGAL.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to lay on the table a statement showing the various departments or branches of administration of which each of the Secretaries to the Government has been in charge both before as well as since the partition of Bengal?

The Hon'ble MR. RICHARDSON replied:—

"Circulars giving the information which the Hon'ble Member desires are laid on the table."

DIRECTOR OF PUBLIC INSTRUCTION, BENGAL.

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR asked:—

Will the Government be pleased to state what has been the cost, including salary, establishment and contingencies, of training an officer of the Civil Service for the post of the Director of Public Instruction in Bengal? From what source has this cost been met? And under what head has it been debited in the budget? Was any member of the Civil Service ever before this the Director of Public Instruction in Bengal? If so, when? And what was the cost, if any, of giving him a similar training?

[*Mr. Richardson; Babu Bhupendra Nath Basu.*]

The Hon'ble MR. RICHARDSON replied:—

"I think that the Hon'ble Member is labouring under a misapprehension. He is apparently under the impression that Mr. Earle was appointed to special duty in the office of the Director of Public Instruction, with a view to be trained for the office of Director. This is not the case.

"It is true that Mr. Earle when on furlough sacrificed a considerable portion of his holiday for the purpose of making himself acquainted with educational institutions in England, Germany and Switzerland and the systems in vogue in those countries. This cost the Government nothing. He was asked to return from leave a month or two before Sir Alexander Pedler gave over charge, with a view to allowing the latter to devote his time to University work; and he has been discharging the duties of the Director of Public Instruction ever since.

"As to the second part of the question, if the Hon'ble Member will refer to page 7 of Mr. Buckland's book entitled 'Bengal under the Lieutenant-Governors,' he will find that Mr. Gordon Young, a member of the Civil Service, was appointed Director of Public Instruction in 1855, when the post was first created. History is unfortunately silent on the question whether any special expenditure was incurred for the purpose of training him, but I believe that no such expenditure was incurred."

PROPOSED AMENDMENT OF RULE 6 FRAMED UNDER SECTION 16 OF THE CODE OF CRIMINAL PROCEDURE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(*a*) Has the attention of the Government been drawn to the recent Full Bench Ruling referred to in the *Calcutta Weekly Notes* (issue March 5th, 1906) regarding Rule 6 of the rules framed by the Local Government, under section 16 of the Criminal Procedure Code, which provides that in case of a Bench of Magistrates being equally divided the opinion of the Chairman shall prevail?

(*b*) Having regard to the fact that all the Judges composing the Full Bench expressed the opinion that the rule in question was an undesirable rule, and that two of the Judges held the rule to be *ultra vires*, will the Government be pleased to alter the rule?

The Hon'ble MR. RICHARDSON replied:—

"The question of amending the rule referred to by the Hon'ble Member is under the consideration of the Government. Any amendment that will be made will be duly notified in the Gazette."

PROFESSOR OF SANSKRIT IN THE PRESIDENCY COLLEGE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Is it true, as stated in the *Amrita Bazar Patrika*, that the Government intends to give the appointment of a Professor of Sanskrit in the Presidency College, for which Rs. 6,000 has been provided in the next year's budget, to a European?

The Hon'ble MR. RICHARDSON replied:—

"The proposal to appoint a European Professor of Sanskrit in the Presidency College was originated by SIR ALEXANDER PEDLER, who was impressed by the backward state of Sanskrit learning in this Province where the traditional or eastern method of teaching Sanskrit has hitherto been followed. Under the inspiration of European scholars, more modern and scientific methods of study and research have been adopted in Bombay and the United Provinces with correspondingly better results. SIR ALEXANDER PEDLER's views have been submitted to the Government of India. As the matter is before the Government of India, I am unable to give a more definite reply to the Hon'ble Member's question."

[*Mr. Syed Shurfudd'n.*]

THE BENGAL FINANCIAL STATEMENT FOR 1906-1907.

The Hon'ble MR. SYED SHURFUDDIN said:—"I cannot very well begin my remarks on the Financial Statement for 1906-07 without expressing my deep sense of gratitude to the Government of India for the remission of the zamindari dák cess. The relief from this remission will not be appreciably great, for, the burden of payment of this cess has never been very keenly felt by the individual on whom it has been levied. But I take this as only an earnest for the full realisation of one of the fondest dreams of my countrymen, namely, the abolition of all those taxes on land which go to counteract or in the least affect the effects of the Permanent Settlement about the imposition of which the authors of that generous measure never dreamt when granting the boon. 'The question presents itself,' said Lord Curzon in one of his speeches, 'whether it is not better as opportunities occur to mitigate those imposts which are made to press upon the cultivating classes more severely than the law intended.' Again the Hon'ble Mr Baker in introducing the Financial Statement at the Supreme Legislative Council has more clearly enunciated the same principle in the following terms: 'The arrangement,' he is reported to have said, 'at which we desire to aim is that no local cesses shall be imposed on the land supplemental to the Land-revenue proper, except such as are levied by or on behalf of local authorities for expenditure by them on genuinely local objects; in other words, local taxation on the land shall as far as possible be limited to what is required for local administration by local bodies and shall not form an asset of imperial or Provincial revenues.' The principle having been thus recognized and so clearly laid down, the day is not distant when we may hope, the conditions remaining the same, to see the abolition of the Chaukidari and similar other taxes, and it is this hope that leads me to begin my remarks by expressing my deep sense of gratitude to the Government of India.

"It was in 1904 that the Hon'ble Mr. Shirres, in laying the Budget upon the table, announced the new Financial Settlement made by the Imperial Government with the Government of Bengal, which was to have lasted for an indefinite period; but the partition of Bengal has necessitated a fresh settlement, and I don't think we have much to complain of. The settlement of 1904 was viewed with a degree of misapprehension in certain quarters. Up to now, however, those misapprehensions have not been justified. If we go through the whole range of the question of the financial relations of the Local Government with the Government of India, from just after the Mutiny in 1857 when anything deserving the name of systematic finance was introduced into India, a system very appropriately described by Mr. Laing as one of 'barren uniformity and pedantic centralisation,' to when in 1870 the Government of Lord Mayo introduced the scheme of financial decentralisation which we owe as much to Lord Mayo as to Colonel Chesney and Sir Richard Temple, from that day up to now as we go through the various stages of the development of the system, we cannot deny that the fact has always been kept in view that the obligation to find the fund necessary for administrative improvements ought to rest upon the authorities whose immediate duty it is to devise such measures. The quinquennial contract system was no doubt defective in more respects than one, for, it came out fully in the evidence adduced before the Welby Commission that the system gave rise to disputes regarding the apportionment of certain charges between the Supreme Government and the Local Government, which were kept up for years and finally decided to the satisfaction of neither parties. And though the system now introduced cannot be claimed to be the acme of perfection, it 'nevertheless constitutes,' to quote the Hon'ble Mr. Shirres, 'a step towards greater financial autonomy and is bound to have a strong indirect influence,' and I say, it is a material step. Provincial finance is a plant of natural growth developed under pressure of administrative necessity, and owing little or nothing to example and theory. And the quasi-permanent nature of the revised settlement announced by the Hon'ble Member in charge of the Budget appears to me to be replete with hope and promise for the future.

"Now coming to the Budget for 1906-07, I find that the income under the head of 'Stamp' has been put at Rs. 1,45,00,000 and the Provincial share

[*Mr. Syed Shurfuddin.*]

(half) Rs. 72,50,000, as against Rs. 71,00,000, being the revised estimate for the last year, thus anticipating an increase of a lakh and-a-half. This amount, together with the sum of Rs. 20,000, being the anticipated increase under the head 'Law and Justice' over the revised estimate for 1905-06 under the same head, gives a total increase of a lakh and seventy thousand rupees. This increase shows a proportionate increase in litigation, a fact which no one who has the welfare of the country at heart can view without alarm. But litigation is a necessary evil of civilization, and howsoever fine and attractive a scheme to put it down without depriving the individual of his right and privileges, may appear in theory, to give to it practicable effect is surrounded by almost insurmountable difficulties. So the best thing would be to spend the entire sum in giving relief to litigants and those entrusted with the administration of justice. So, while thanking the Government for the large provision made for increase of salaries of ministerial officers, remuneration to copyists, diet and travelling allowances to witnesses, and allowances to jurors and assessors, and additional Deputy Magistrates and their establishment, I cannot pass over in silence the claims of the members of the Subordinate Judicial Service. Recently I sent a question on the subject to be put at the Council, but as the reply has not been given in time, I do not know what action, if any, the Government is going to take in the matter, and I cannot allow this opportunity to pass without pressing the subject firmly but respectfully upon the attention of the Government. The subject is not a new one. The post of Munsiff was first created by a Regulation in 1793, when they were paid by commission on the amount of causes investigated by them, and it was Sir Cecil Beadon who in 1864 dealt with the question in a comprehensive way. Since then the matter has, off and on, engaged the attention of the Government, and from certain answers given to questions in the Council it would appear that the Government is even now engaged in the solution of the question. But as matters stand the position is very unsatisfactory to all concerned. The members of the Provincial Executive Service, though of a much later creation (this branch of the service was created by an Act passed in 1848) are much better off than those of the Subordinate Judicial Service. The members of the latter service are required to have better qualifications and in my opinion their position should be made equal to, if not better than, that of the members of the Provincial Executive Service. The officiating Munsifs labour under serious difficulties in that they get no allowance during the intervals of their appointments. This defect ought to be removed first of all. Then as to matters of leave and promotion, they should be placed on the same footing as the Deputy Magistrates. Their future prospects should also be bettered.

"While on the subject of Law and Justice I may as well bring to the notice of the Government the fact that the time has come when the Jury system should be extended to other districts. It will be remembered that the Jury system was introduced by Sir Cecil Beadon by a Notification dated the 7th January, 1862, and the second year's report on the working of the system showed that it had been fairly successful. Before retiring Sir Cecil Beadon placed on record his conviction that the trial of offences of all classes before the Courts of Sessions in all parts of the Lower Provinces ought to be by Jury, and that the system could be generally adopted without prejudice to the administration of criminal justice and would be attended with decided benefit to the Courts and increased confidence of the public in their judgments. This was written in the early sixties, and forty years have passed since then—forty years of great progress in education and other matters—and the average citizen of to-day has a higher ideal of his duty towards himself and towards society than in those days. Out of the 12 districts of Bihar only Patna enjoys the privilege of Trial by Jury. But other districts, such as Arrah, Gaya, Muzaffarpur, Monghyr, Bhagalpur and Chapra have advanced sufficiently to claim the same privilege. Those districts are certainly now more advanced in point of education than Patna was in 1863, and the working of the system has been found satisfactory all along in Patna. It therefore stands to reason to hope that they will not abuse the privilege if it is given to them. Moreover, by introducing trial by jury in those districts the Government loses nothing but gains everything, and it should, I submit, consider the matter. There is another matter in this

connection which I would like to press upon the attention of the Government. The time has come when the Government should consider the advisability of introducing the provisions of summary procedure for the recovery of rents. Having regard to the delay and expenses (legal and illegal) of the present system and also to the fact that record-of rights have now been prepared for large areas in the Province, will it not be feasible to extend the procedure prescribed by the Public Demands Recovery Act in such areas? This is only a hint, and the Government should, if it thinks proper, work out a workable system. This will, no doubt, be a great relief to landlords and tenants alike.

"With regard to the Income-Tax it is gratifying to note that the Coronation Durbar gift of Lord Curzon's Government—I mean the raising of the taxable minimum to Rs. 1,000—has not really proved as far, as Bengal is concerned, to be a dead letter, as it at one time threatened to do. This I think is due to the Government taking early steps to check overzealous officials from increasing Government revenue at the sacrifice of a principle, when their attention was drawn to the matter by the Hon'ble Babu Ambika Charan Mazumdar. I may here be permitted to offer a few remarks on the principle involved in the Income-tax, and I hope I am not treading upon forbidden grounds in doing so. If we survey the history of this tax from the time that it was first imposed, when Sir Richard Temple from his seat in the Imperial Council fought hard for the principle and defied his critics of all orders and names, when Mr. Inglis of the Board of Revenue, United Provinces (then North-Western Provinces) came out with his severely caustic remarks about bribery and oppression and Sir William Muir calmly confirmed rather than disavowed them, when the question had been removed altogether from the domain of argument to that of examples to its abolition by the Government of Lord Northbrook, again from its re-imposition in 1886 up to now we will find a class of men who have, in season and out of season, held this tax up to public reprobation and derision. But to my mind this is a very just tax, being almost the only contribution of importance which is made to Government revenues by that class of people whose incomes are derived from sources other than those connected with the land. But because I admit the fairness of the principle, I never for a moment mean to assert that the working and administering of the tax is incapable of improvement. A further raising of the taxable minimum would be hailed with great delight by a very large number of people. Again, I would point out that as in assessing traders, a margin for cost of establishment should be left out in assessing the professions.

"The steady, never-failing growth of the Excise Revenue has very justly raised an alarm throughout the length and breadth of the country. The Hon'ble Mr. K G. Gupta in his speech at the discussion of the Budget last year said: 'Some people seem to think that a mere increase in the excise receipts is in itself something atrocious, something to be deprecated and absolutely wrong.' I, Sir, for one do not belong to that body of 'some people.' I do not hold such an extreme view. On the other hand I think that in a country like India where intoxicating drugs grow wild, and the means of distillation are everywhere at hand, an excise system is a stern necessity. A system of free trade of prohibition (such as the Maine Liquor Law) could have only disastrous results. From Bihar right across Chota Nagpur and the Sonthal Parganas to Western Bengal, there are vast mahowa forests and palm trees abound in all districts, and rice is of course a staple of the country. So the evils that are to be condemned have been due to its abuse or faulty administration, and not to the system itself. I do not condemn the increase because of the increase itself. No, I would doubly welcome a greater revenue; for, a greater revenue ought to be followed by higher prices and a consequent discount on the drunkenness of the people. But what I am afraid of is that a greater revenue is secured by a laxity in the observance and enforcement of those wholesome safeguards framed by the Board in conformity with the dictum 'Greatest revenue from the smallest consumption.' Who does not know that a liquor shop is to be closed at a certain hour at night, but what Excise-officer does not know that liquor can be procured at any time and all times. Instances of similar breaches of the rules are not rare nor far between, but the officers entrusted with the supervision only wink at them. A visit to the sale room when the annual settlements are made

[*Mr. Syed Shurfuddin.*]

is always an instructive pleasure, because it shows how the settlement-officer (in almost all cases the Excise Deputy Collector) in his zeal to increase the Government revenue determinedly shuts his eyes to those salutary provisions in the Excise Manual which lay down in distinct terms that revenue is always a secondary consideration to public welfare. I hope the Excise Committee now touring about in the country will recommend definite measures to prevent these abuses.

"I come, Sir, from a part of the country where *tari* forms the staple drink of the people during a particular season of the year, and I would be guilty of grave ingratitude to nature for the magnificient palm groves which she has bestowed on Bihar with no niggardly hand were I to pass by without putting in a word or two about them. A proper use of these palm groves and their products would certainly enrich the people as much as their abuse is at present debasing and demoralising. Sometime ago an Excise Deputy Collector submitted, I am told, a report saying that *tari* can very profitably be turned into *gur* and vinegar. But nothing seems to have come out of this report. It is a duty of the people themselves, I admit, to utilise an indigenous product in its most profitable form; but I plead the general iguorance of the mass and the want of the enterprising spirit in the educated and monied classes as extenuating circumstances, and I hope I do not raise an impotent voice in this Council Chamber when I pray that the Government will take the initiative and lead the way.

"Coming now to the receipts under the head 'Provincial Rates,' I find that 'an increase is anticipated on the completion of the work of re-valuation in certain districts.' I may be permitted here to point out that cases have occurred where an estimate has been assessed at a rate fabulously greater than at the previous assessment. Such a state of things can hardly be taken to be compatible with a healthy growth of this source of revenue. In reviewing the reports on the working of the District Boards in Bengal during the year 1904-05, the Government have remarked:—

> 'The increment in the year under review was more than double the average of the previous decade. It is not likely, however, that this rate of progress will be maintained, nor could its continuance be regarded as healthy. The cess is already levied at the maximum rate allowed by law, and any further increase must be due either to more accurate assessment or to higher rents. There is now little room for improvement under the former head; and it is not in the public interest that there should be a general enhancement of the existing rates of rent.'

"I think officers entrusted with the re-valuation work should be made to act up to the principle enunciated in the above quotation.

"The people of Bengal are deeply grateful to Your Honour's Government as well as to the Government of India for the provision made in the Budget for Technical Education. The matter is of vital interest to the people of the country, and the provision under reference made in the Budget, though in itself a mere drop in the ocean, is, to me, only a sign of future help in the same direction. The Government of India in their Resolution (Home Department), dated the 14th January, 1904, have laid down certain lines according to which Local Governments were desired to take action with regard to Industrial Schools as well as to adoption of means to produce better handicraftsmen. But the actual solution of the problem was left in the hands of the Local Governments. So, Your Honour's Government has been given a free hand in the matter, and may I suggest that before anything more is done in the matter, a careful Industrial Survey be made in this Province. It was during the rule of Sir Richard Temple that for the first time a proposal for an Industrial Survey of India, originated by Mr Forbes Watson, came up for the consideration of the Government of Bengal. The scheme contemplated a complete survey of the production and consumption of Indian wealth, with a full description and classification of collected specimens of every product and of the machines and implements used. It contemplated the formation of Honorary Committees in each district to be assisted by local officers in collecting specimens and transmitting them to a museum in London. Sir Richard Temple regarded the scheme as hardly practicable, but he was of opinion that the desired result could be more successfully and satisfactorily achieved by proper arrangements designed and achieved in the province itself. Now I think the time has come when the

Government of Bengal should undertake a survey of the present state of the indigenous industries with a view to find out the precise manner in which the different industries have been affected by competition with imported articles and the possibility of giving a new lease of life to those industries either by special instruction or by introduction of improved appliances. The Jolahas of Bihar and Jehanabad, the glass manufacturers of Patna, the gunsmiths of Monghyr and various other handicraftsmen are in a very bad way indeed. If they are given a helping hand, a considerable pressure upon the land will be removed, and it will bring about a greater prosperity to the people.

"Under police I find that the sum of Rs. 63,67,000 has been budgeted for expenditure during the current year. This includes the lump provision for reforms recommended by the Police Commission. But the details of how those reforms are to be carried out are to us, the uninitiated, provokingly meagre. For instance, in Appendix B under the head 'Police' I find the sum of Rs. 41,00,000 put down as 'Lump Provision for Police Reforms.' In explaining the Financial Statement in the Supreme Council the Hon'ble Member in charge of the Imperial Budget has said that among other improvements, the post of Deputy Superintendents will be created in the course of the year. May I now ask, if any such post is going to be created in Bengal, and, if so, how many such posts are proposed to be created during the year.

"On the receipt side of the budget under discussion I find that in the year 1904-05 and 1905-1906 there is one item of contribution from Imperial to Provincial amounting to Rs. 6,000, mentioned as for the preservation of ancient manuscripts; but no such contribution appears to have been made this year, though in the expenditure side I find that a sum of Rs. 8,000 has been granted for the same purpose for this year I should like to know how much of these amounts has been spent in the last two years and how the present grant is going to be spent during the current year on the Oriental Public Library, Bankipore. I do not think that any other institution in Bengal can boast of such valuable oriental manuscripts as this institution, and as such, it has the first claim on this contribution. I hope that when allotments are made the claims of this institution will not be lost sight of.

"The budget estimate for education during the year 1906-1907 stands at Rs. 53,00,000 as against Rs. 43,37,000, being the revised estimate for the year just closed. From the details of expenditure under this head I am unable to make out if any provision has been made for redressing the just grievances of the members of the Subordinate and Provincial Educational Services. Apparently such a provision has not been made, and I join my voice with that of the other members of the Council who have so strongly championed the cause of this class of officers in previous years. Education is admittedly the most important function in the administration of a civilized Government, and an ill-paid staff to discharge this duty can hardly be commensurate with a safe and just policy. The reduction in the value of Senior and Junior scholarships has before this been made the subject of another just complaint, and I do not find any reason why this matter should be allowed to remain as it at present stands.

"I hope the lump provision for Primary Education will be utilized in giving effect to the recommendations of the Committee contained in their Report dated the 3rd August, 1905.

"The grant of a lakh of rupees for laboratory fittings and other charges for the Patna Training Institution and provision for the construction of a Model and Engineering College at Ranchi (Rs 6,35,000) and barracks for students and a Pathological Museum in the Temple Medical School (Rs. 27,000) cannot but be welcome to the Beharis, and on their behalf I beg to offer my thanks to the Government.

"The subject of the Temple Medical School brings to my mind the great want of a paying ward in the hospital attached thereto. Middle-class respectable people feel the want very keenly, and I beg to point this out with the hope that Your Honour's Government will do something in the matter.

"The grants of Rs. 90,000 and Rs 20,000 for expenses during the prevalence of plague and anti-malarial measures respectively appear to me to be quite out of proportion to the importance of the respective items Malaria surely accounts for more victims than plague, but only Rs. 20,000 has been granted

for anti-malarial measures. And even then we are in the dark as to how this amount is going to be spent.

"Referring to the grant of Rs. 90,000 for plague, I would draw the attention of the Government to the fact that the people suffering from plague very seldom, if ever, resort to the allopathic system of treatment, but they do place plague patients under indigenous treatment, and in many cases with success too. We in Bihar are just now in the midst of an outbreak of the epidemic, and I can speak from personal knowledge that one medicine, named 'Tiriyak,' has effected many cures, and what I would suggest with regard to it is that this medicine should be given a fair trial.

"In the course of their speeches during the last year's Budget debate, the Hon'ble Babu Bhupendra Nath Basu and my late lamented friend and predecessor, the Hon'ble Babu Saligram Singh, drew the attention of the Government to the grievance of the Sub Deputy Collectors with regard to their initial pay, considering the fact that these officers exercise the same judicial and executive functions and pass the same departmental examinations as Assistant Magistrates and Deputy Collectors, their initial pay (Rs. 100) appears to be inadequate in these days of high prices and is not sufficient to make the two ends meet and keep up their position. Even Police Inspectors and Deputy Inspectors of Excise are better off than they. The current Civil List shows that there are no less than 78 Sub Deputy-Collectors in the last grade drawing Rs. 100 *per mensem*, while there are upwards of 40 vacancies in the higher grades. I am decidedly of opinion that the initial pay of Sub-Deputies should not be less than Rs. 150. Referring to this point the Hon'ble Mr. Shirres in his reply last year said that he could not accept the views of the two Hon'ble Members named above, as the number and quality of candidates who now come forward show that the appointment of Sub-Deputy Collector, is an attractive one as it stands. If I were to carry the analogy a little further I could say with equal show of reason that for a less pay candidates of equal or even better qualifications would come forward for appointments for which the Government now pays a higher rate of pay. But that I think is no reply to the contention that the present minimum pay of Sub-Deputy Collectors is inadequate for their needs. And I beg earnestly to invite the attention of the Government to this.

"The current Budget provides for the separation of the Patna Division into two Commissionerships. For sometime past an Additional Commissioner has been posted at Patna, thus showing that one Commissioner is not able to cope with the work, and it is in the ordinary course of things that a separation should be effected. But the public would like to know the details of how this is going to be effected, that is to say, what areas are going to be formed into the different Commissionerships.

"I hope, Sir, that Your Honour's Government will not meet all our demands only 'with the cold water of sympathetic words.' I for one sincerely sympathise with what Your Honour has said at the Supreme Council about the difficulties of the Government in being 'surrounded by open mouths and claimant demands' and not having money to satisfy them. We the non-official members, can only express our sympathy with the Government in their difficulties; for we are precluded from rendering any substantial help in this matter. The late Sir John Woodburn said in 1898: 'And I shall hope that next year we may receive from the non-official Members of this Council those suggestions as to greater economy in administration which we may reasonably hope to receive from them.' But, Sir, from our very position in the Council we are debarred from doing anything which would go to render any such help to the Government as from the above quotation it would seem is expected of us. That degree of confidence which is necessary for the purpose and which the above words imply is not as a matter of fact reposed in us. We are in a hopeless minority and cannot vote for any matter connected with the Budget. We are never asked anything when the estimates are being prepared. The Budget is placed before us cut and dried, and we are asked to carry on a discussion on its merits and our suggestions can at the very best be utilized in the following year's estimate. In managing the finance of our own country we have scarcely any voice; not that Indians are not qualified for this kind of work. What a Todar Mal did for the

Moghal Empire, what a Dinkar Rao has done for Baroda or a Madhava Rao for Travancore, another of the same race being given the same opportunities can do for any other Government. But our Government has no place for men like these. While our rulers cannot fathom the mind of native India and perhaps, far less so now than when they remained in India for thirty years without seeing England, the very deepest depths are not unfathomable to those who, in addition to genius, possess a knowledge of the habits and a key to the sympathies of the people."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"May it please Your Honour—It is with a feeling akin to a sense of personal loss that I rise to speak in Your Honour's Council on the occasion of the budget debate. Apart from the hollowness of such debates which, in the absence of any power in the Members to move amendments, tend to degenerate into mere academic discussions, there is an air of unreality and incongruity which cannot fail to strike even the most casual observer: of the ten non-official Members, 2 gentlemen represent Divisions which have ceased to belong to Your Honour's Province. Much has happened since the Hon'ble Members were elected to this Council: much water has run down the Hooghly, and the Province has lost its premier position in all India. Events have followed each other in quick succession, like the changing views of the kaleidoscope, sometimes dramatic, more often melo-dramatic, but always tragic, to us the people. So far as the new Province has had its share, and there is no denying that it has had the largest share in these performances, my hon'ble friends have had to possess their souls in patience. They are like an ancient King of India hung up between the earth and the sky. In Your Honour's Council, they belong neither to the east nor to the west. They may have their seats, but in what capacity it would be difficult to determine even for medieval scholastics.

"For though they sit here still, they are like disembodied spirits hovering round the scenes of their ancient exploits, they may beckon and more than this, against accepted precedents in ghostology, they may even speak, except on matters which concern them. Such is the Council and such the surroundings in which we have such to offer our criticisms on the budget, and Your Honour will pardon us if there is a ring of the unreal in the note of our discussions.

"Sir, coming to the budget itself, we must in the first place thank the Government of India and congratulate ourselves on the liberal spirit in which it has revised the financial settlement between the two Governments. There are people who think that it was the duty of the Government to help us out of the financial muddle into which the policy of partition has thrown us; and, in allotting to us a larger share in our revenues, it has done what was its plain and evident duty, if so much as that. No doubt this is so, but we, in India, generally know only of the muddle, and it is a real pleasure, because hardly expected, to see the helping hand stretched out. We are truly grateful to the Hon'ble, the Finance Member, for the generous way in which he has come to our rescue, and, though far removed from them, the Hon'ble Mr. Baker has not forgotten the people of Bengal, who have such good cause to remember him with feelings of esteem and pleasure, and who hope to welcome him at no distant day, in a more distinguished position than that which he now occupies.

"Sir, I have the honour to represent, however unworthily, the interests of education in Your Honour's Council, and I cannot pass over the great injustice which has been done to the members of the education service in the recent appointment of the Director of Public Instruction. I do not discuss and must not be understood as raising the question on its personal aspects. I have had the privilege of being associated in this Council with the present incumbent of that high office. None who have come across Mr. Earle will for a moment doubt that he will bring to the discharge of the duties of his high office a long and varied experience and a ready resourcefulness in tackling with the many difficult problems of administration which must await him in his new department; and above all his large-hearted sympathy which will attract to him the willing loyalty and allegiance of his subordinates. Individually and apart from the claims of the Education Service and certain other considerations to which I shall presently refer, no choice could have been happier. But, Sir, while fully acknowledging the great qualities of the head and heart which Mr. Earle is so well known to possess, I must take strong exception to the appointment itself

[*Babu Bhupendra Nath Basu.*]

in that it overrides the just claims of the Education Department, subordinates that department to the political sway of the State. Members of the Education Service, men possessing high academic qualifications, who have made education their sole and special business in life and dealt with generations of Indian youths, are to make way for men who may come into the work more or less as amateurs, and stay for a few short years, if so long as that, and then pass on to other spheres. The appointment casts a slur upon the Education Service, that it has not been able to produce an officer fitted to discharge the duties of the office, and it deprives them of a prize post, which not unoften marks the fitting close of an honourable career. It lowers the prestige of the service, makes it less attractive to the brilliant and ambitious young men of Oxford and Cambridge, and if it chills the ardour, as it must, of those who year in and year out have to bear the heat and the burden of the day, and deters deserving men from entering the service, it will have done an incalculable amount of mischief to the cause of education in Bengal. Sir, there is another aspect of the question which I should also humbly ask Your Honour not to overlook. It has been my good fortune to be associated with many distinguished graduates of the British Universities employed in the work of education in this country. Their sole aim has been, undeterred by any political consideration, the spread and advancement of knowledge and education. To them the possibility of there being a large number of educated Indians, even of failed B.A.'s, was never a moving spectre, and in the republic of letters which they established in India they recognised no distinction of colour or creed. This until recent times had been the tradition of the Education Department. True it is that for some time past the Education Department was lapsing from its old ideals, and the scheme of the Indian and the Provincial Services inaugurated in 1896 introduced the boundary line of colour in the field of knowledge.

"Sir, the people looked with the gravest apprehensions on the Indian Universities Act. They found that the Universities were being officialised, and not education but secular policy was the moving principle of the new legislation, not the advancement but the repression of the legitimate aspirations of the people, and this last appointment putting the direction of education of the Province in the hands of a non-educational officer tends to confirm the fears and suspicions of the people. Sir, I was just referring to the introduction of the element of colour in the educational service of the country. Since the division of the service into two branches, the Indian and the Provincial, only two gentlemen have been able to get admission into the higher service: of one of them, Dr. J. C. Bose, any country would be proud, and not even in India could he be kept in the lower service. I shall not go into personal matters, but I shall refer to a few instances by way of illustration. There is no abler chemist in the whole service than the discoverer of the nitrites of mercury and the historian of the Hindu system of chemistry: after 17 years of toil in the lower grades of the Provincial service, he has been lucky enough to be posted in class I of that service, but even he has failed to get across the barrier that reserves the Indian Educational Service practically to non-Indians. Distinguished Indian graduates of the Universities of England and Scotland are vegetating on Rs. 200 or 250 a month, and it will be many years before they are able to earn a decent livelihood. Take the case of Mr. Nogendra Chundra Mitra, M.A. (Cantab.), who entered the service on Rs. 200 a month, and I believe is still there, while Englishmen with lower qualifications and a lesser number of years of service have got beyond him. Many other names occur to me: that distinguished biologist Mr. Mahalanobis after nine years of study in Edinburgh was lucky enough to enter the service on Rs. 250 a month: the poet and litterateur, Mr. Monomohan Ghose, where is he? He and others like him, the finest products of the Indian and English Universities, are content to see inferior men posted above them. This is not the way to attract to the service the best and highest amongst the Indian youths: naturally they turn to the fascinating domain of law: what if the burning sands kill many a weary traveller, he lives on the mirage of better things ahead, and may be he has the endurance to reach the oasis: but the prize is worth fighting for: it is better to sink struggling to reach a higher goal than lie buried in the lower strata of the Educational Service with no hope of deliverance. Our best graduates from the English Universities are avoiding the Education Service and taking to other

pursuits. I appeal to you, Sir, with confidence, as a University man yourself, to come to the rescue of these deserving men. Let them not turn away in disgust and despair from the doors of their own mother-University. It will not be good to them or to the country. Sir, if the lot of these Indian graduates of the English Universities is hard, the lot of our own University men is, if possible, harder: under the old regime, the Education Department refused to be governed by the law of supply and demand: but the late Director of Public Instruction saw that there were many hundreds of graduates living on the border land of stravation, and, if cheap education was nasty, cheap graduates were useful.

"Sir, if the Government wants to attract to its Education Department young men of talent and promise, it must place the service on the same footing as its executive branches, Subordinate and Provincial. It is curious while the Government holds out no inducement to talent to join the ranks of the Education Service, it should lament the decay of educational standards in the country and have recourse to legislation to achieve what can only be done by substantial improvements in the pay and prospects of its officers engaged in the work of education. For if Government once leads the way, private institutions will follow and educational standards will rise automatically all through the country.

"Sir, we are waiting with no small degree of solicitude for the publication of the reorganization scheme of the Subordinate Educational Service. I understand that the scheme is ready, and details have nearly been worked out. May we appeal to Your Honour to see that the scheme is published without delay, and may we have Your Honour's assurance that it will have retrospective effect from September last, when the scheme received the sanction of the Supreme Government. Sir, I have taken the liberty to express pity for the position of my unfortunate colleagues whose constituencies no longer concern Your Honour's Council. I am afaid I must bestow some amount of that pity on myself, as the interests I have the honour and privilege to represent in Your Honour's Council affect the two Provinces equally. Without any offence to the new Government, I may be permitted to hope that the scheme will have operation in the old as well as the new Provinces and in the distribution of favours, the Education Department, notwithstanding its many sins of omission and commission, will not be looked upon as a discarded wife in the new Province.

"I have to congratulate Your Honour's Government on the increased grant on education; it has risen from 29 lakhs in 1903-1904 to 41 lakhs in the present budget, out of the Provincial Funds. No relief will be more welcome than the provision of Rs. 80,000 for hostels for private colleges. The rules which the University is framing regarding hostels would be utterly frustrated, unless Government came to the rescue of the hard pressed private colleges. There is another direction in which private colleges may be helped, viz., in the matter of house rent and equipments for proper libraries and laboratories. For want of available houses, the rent charged for the few houses which are suitable is excessive. In one instance it was found to be 9 per cent. by the inspecting committee appointed by the University. The unaided private colleges lead a financially precarious existence, and I believe they would welcome and accept any help given to them under reasonable conditions.

"Sir, I welcome the grant for the weaving school at Serampore. The Government has wisely decided to establish the school at Serampore, the home of a very large weaving population. With the death of the indigenous industries of India, owing to foreign competition and probably more to unfair and repressive legislation, the heaviest blow has fallen on the weaving community of Bengal. Eminent experts have given as their opinion that the hand-looms of India, with the necessary improvements, would still be able to hold their ground against the power-looms of Europe: whether this opinion may be correct or not, it is worthwhile to try the experiment, and Your Honour's Government is entitled to the gratitude of the whole country for the measure that it proposes to take to save the weaving industry of Bengal from utter extinction.

"Sir, there have been rumours that the provision for a chair in Sanskrit for the Presidency College is meant for a European. The experiment of a

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European Professor in Sanskrit has been tried elsewhere, but not without success. Students of Sanskrit brought up under the European system of education will be able to do much greator justice to the post than a Professor from Europe, whose knowledge of the language and the requirements of the Indian youth must necessarily be limited. Well may the facetious exclaim that the next step would be to import our Priests and *Pujaris* from Europe. It is no doubt a desirable thing to encourage Sanskrit amongst Englishmen whose work may lie in India, but what all the prizes and scholarships which Government awards to its officers has failed to do, a single chair on Rs. 500 a month will not achieve.

"Sir, while on the subject of education, I shall devote a little time to its most important branch, the primary education of the agricultural and industrial populations of Bengal. It is to be noticed that, while the number of these institutions was steadily rising, they fell off in number in 1904-1905 from 49,093 to 48,176 or by 1·8 per cent, and their attendance from 1,391,997 to 1,356,773 or by 2·5 per cent. Various causes have been suggested: the Inspector of Schools in some of the Bihar districts suggested plague and the abolition of public examinations. In Burdwan, Birbhum and Bankura the decrease was attributed to failure of crops: in Midnapur and Noakhali it was attributed to the disappearance of mushroom institutions which unlike mushrooms did not show any signs of growing again, while the Rajshahi and Dacca Divisions are wisely silent as to the cause. There was no plague in Eastern, Northern and Southern Bengal, and the scarcity in Birbhum and Bankura was hardly felt. The reasons for universal decrease all over Bengal, including Bihar, should have been carefully investigated, and, if the decrease still continues, Government should lose no time in instituting a searching inquiry. The Inspector of only one Division, the Chittagong Division, ventured to suggest what seems to me to be the real reason, viz., 'the recent charges introduced in the educational system.' a reason which the late Director of Public Instruction dismissed from his mind by observing that the change had been introduced all over the Province, forgetting that there was a decrease in numbers also all over the Province. The decrease was specially noticeable in the case of Muhammadan children: they fell off from 546,783 to 529,825 or by 3·1 per cent. To any one who has perused the publications which do service for primary education, it is a matter of wonder that primary education has survived the scientific fad of the late Director. The books are curious specimens of the vernacular languages, translations of some standardized English text, and containing condensed accounts of all the sciences known to modern man. I have seen teachers and the taught puzzling themselves over the truth of biology, physiology botany, zoology, geology, physics and chemistry, and ultimately agreeing that the best course for the pupil is to commit the pages of the quaintly written books to memory. This has meant a great waste of the nation's time, life and energy. The whole subject of primary education in Bengal needs overhauling, and that none too soon.

"Sir, while dealing with the question of primary education, I wish to draw Your Honour's special attention to the case of the indegent pupils, Hindu and Mussalman. The number of indigent Hindu children decreased from 62,482 to 54,745, and of Muhammadans from 39,840 to 35,750.

"Sir, I have taken the liberty on previous occasions to call the attention of Your Honour's Government to the very small outlay which the State makes in the matter of primary education for boys. Out of a total expenditure of Rs. 34,79,000 (I am taking the figures in round numbers of 1904-1905 for the Province of Bengal as it then existed), the Provincial funds only contribute Rs. 1,80,000, the District Boards and Municipalities Rs. 9,76,000, while the poor pupils coming from the poorest classes of the people contribute Rs. 19.00,000 in fees alone, the rest being practically met from private sources, the amount of such contribution being over 4 lakhs as against the Rs. 1,80,000 of Provincial contribution. I am sure your Honour's Government will not defend this state of things. While European countries, Canada and the United States of America and even the small States in South America, have made primary education free, we contribute only $\frac{1}{19}$ th of the total cost of primary education and levy nearly 60 per cent. from fees. Sir, the greatest

boon that England has conferred on India is the introduction of western methods of learning through the medium of the English language. The dead bones in the valley are beginning to be instinct with life. But even greater than this, greater than all, that England has done for us, would be giving free primary education to the masses. The experiment is well worth trying, and may be tried from rural tracts.

"Sir, before I leave the subject of education, I think it my duty to call attention to the circular lately issued by the Director of Public Instruction placing the control of the education of the country practically in the hands of the District Magistrates. Anywhere else, the District Magistrate, if such a personage existed, would be glad to be relieved of a part of his multifarious duties, but here in India things are otherwise: no powers are too great or too many for him. Why should the control of the education of the people be vested in an official who, whatever may be the notions of the Government, is looked upon in the muffassal as the head of the police and its mouth-piece. Under the present centralized form of Government, very few measures of beneficience emanate from the District Magstrate. He is so closely connected with the police, the feelings with regard to whom in the country are so well known that they need not be described, that all the aversion which attaches to the police is unfortunately associated with the District Magistrate, because the Government will not dissociate him from the police. The Magistrate will look upon education as part of his police work, for of what other use can the Magistrate be to the department which is managed directly by the educational authorities? And the Magistrate will naturally rely upon the District Superintendent of Police who will receive his inspiration from the Daroga: the result will be that the ill-paid half-starved and miserable class of men, teachers in our primary schools, will tremble before the Head-constable, and even the teachers in the secondary schools will be in fear of the Daroga. If it is sought to degrade education, lower its prestige in the eyes of the public, nothing would serve the purpose better: but if it is meant, as is apparent notwithstanding the too thin veneer of sophistry that overlies the circular, to bring the schools and their teachers under the disciplinary control of the Magistrate, if it is meant to meet the remarks of an English Judge yet unsophisticated by a too close association with what is known as Anglo-Indianism, who expressed his surprise that Magistrates had without any authority fined school-boys as a disciplinary measure and had ordered the fines to be levied as if they were convicted criminals, if it is meant, as it seems to be, to get round the law and legal safeguards by indirectly investing Magistrates with the power of punishing boys against the wishes of their teachers, it will defeat its object. I have already shown what a small fraction of the cost of primary education is borne by the State, and how large a part is borne by the pupils themselves, who contribute nearly 11 times the Government expenditure, and that the contribution from private sources is more than double the Government grant. Without taking into calculation the District Board grant, which is five times as much as the Government gives and which is to some extent subject to Government control, it may be safely predicted that, if the people feel that their little ones will be subject to police control, and may be publicly flogged, as they have been, at the instance of Magistrates through their own teachers, the people will take the education of their children in the primary stages at least entirely in their own hands. This attitude of the people towards the Government would be a matter sincerely to be deplored, and no one who wishes well to the Government and the people can look on unconcerned. I remember in the past, while I was a student myself in the Presidency College, our the then Principal, Mr. Sutcliffe, whom his students loved with the intensity of filial devotion, strongly resenting police interference with his students in the case of a row which occurred in College Square: he brought back the students within the college compound, shut the gates in the face of the police, and told them that whatever were the faults of his boys, which were merely the freaks of youth, he would sooner stand in the dock himself than see his students there. We heard no more of the police, there were no more rows in College Square, and long afterwards, when Mr. Sutcliffe as Director of Public Instruction was retiring from service and came to his favourite college to bid his old boys good-bye, we advanced students, grown up men, wept like little children

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parting from their mother. Your Honour will pardon me if I have dwelt at length on this incident. To me and to all interested in the cause of education it is a matter of the deepest regret that the spirit which animated the pioneers of education in this country, Hare and Cowell, Sutcliffe and Woodrow, has departed from the ranks of our educationists. Instead of love and sympathy and guidance, we have thrown at the heads of hapless students showers of circulars fulminating all sorts of pains and penalties; instead of the stand which used to be made in olden days by the authorities of the Education Department against interference by the executive authorities, we have the amazing spectacle of the Head of the Education Department surrendering his functions and authority to the Magistrate and the Police, and not unnaturally we find to day at the head of the Education Department a high executive officer of Government. The members of the Education Department have complained, but is not a just nemesis overtaking those who have tried to play the role of small executive officers themselves? Even in your Province, Sir, where the time of Sayesta Khan are not sought to be renewed, things have come to a bad pass indeed. These circulars have meant the end of all authority, of all discipline. There is so little of touch between the student community and the members of the education service, so little of trust, so little of sympathy, and so little of mutual understanding, that not a few of us, who as students had participated in the wild enthusiasm of the reception given to our gracious King when he came to the Senate House to accept the degree of D. C. L. conferred on him by the Calcutta University, were pained beyond measure to see the College Square and all its avenues guarded by the police against the Indian students and the Indian people, on the occasion of the visit of His Royal Highness the Prince of Wales to the Senate House, and the whole place wearing the silent and desolate aspect of an African desert. Good God! Guarding the grandson of our beloved Queen, whose memory still lingers in the minds of her Indian subjects and is cherished with reverence and affection! Guarding the son of our King and our future Sovereign against the Indian students! Could ignorance and ineptitude go further? Sir, will it be too much to hope, too much to pray, for the restoration of the old relations in the dealing of the Government with our student population?

"Sir, if I have ventured to detain the Council at some length on questions connected with the education of the country, their great importance is my only justification.

"If I have complained of the poor prospects of the Subordinate Educational Service, I may as justly complain of the position of the Sub-Deputy Collectors and Sub-Deputy Magistrates of the 5th grade. They discharge the same judicial and executive function as Deputy Magistrates and Collectors, and pass the same departmental examinations. Their qualifications are practically the same, and their duties quite as responsible: it is neither safe to themselves nor to the State to keep them on the small monthly pay of Rs. 100 with no travelling allowance up to 15 miles; it is hardly a decent subsistence allowance. Even Inspectors of Police and Excise who prosecute criminal cases before them draw higher pay. This state of things should not be allowed to exist, and I appeal with some degree of confidence to Your Honour to see it mended.

"I had hoped, Sir, that it would not be necessary for me to refer to the subject of the Corporation of Calcutta. The absence of my Hon'ble friend, Babu Nalin Behari Sircar, which we all regret, leaves me no option. I shall say nothing of the discontinuous and, I believe, discontinued system of the so-called continuous water-supply, though the statutory period within which the system was to have been brought into operation has elapsed. Of the northern portion of the City, I shall say nothing of its lighting which serves only to make the darkness visible, of its neglected though slightly improving conservancy, of the state of its roads to which we have reconciled ourselves as the best tonic for a dyspeptic liver. But, Sir, I shall speak of subjects which ought to have secured greater attention. It is now nearly 18 years since the suburbs were amalgamated with the town: but the suburban drainage is not yet complete. I believe nearly 78 lakhs have been spent on this work. I was one of those who had ventured long ago in the days of the old Corporation to raise their voice against the system as it was then being carried out against the views of

experts from home. Competent critics say that the suburban drainage may have to be done over again. Whatever that may be, the inconveniences of the residents of the southern suburbs are nothing compared to the unhappy dwellers in the eastern area known as the canal or fringe area. That area lies like a basin between two high roads, the Circular Road on the west and the Canal Road on the east. During the rains it presents the appearance of an inland sea, and after the rains the unrelenting hand of death levies its heavy toll for the neglect of man On the amalgamation of this area with the town 18 years ago, the first thing that was done was to close the old Mahratta ditch which used to serve as the waterway of the area, without providing for any means of escape for the rain water or the drainage. I am told that it will take many years yet to improve the conditions of this area: if so, is it not fair and just that these people should not be made to pay the same rate as their more fortunate brethren in the City? If there was a case for a lower percentage of assessment, the canal area has the best claim on the attention of the Chairman, and I trust the Hon'ble Mr. Allen will be pleased to consider this aspect of the position of the poor and suffering rate payers of the canal area.

"Sir, the special Committee of the Corporation which sat to review its administration has recommended the reconsideration of the provisions regarding assessment. The different methods of assessment of residential and rented houses have never been defended, for they are not defensible. The late Sir Henry Harrison introduced the differential treatment, because the method pursued by his assessor in the case of a palatial residence in the City was condemned by the High Court, and nothing is easier in this country than for the executive to get a law passed to suit their views. Once a wrong has been committed, it is difficult to undo it, but there is no reason that it should be perpetuated. The law has been in force sufficiently long to show the unfairness of the incidence of taxation on the residental house-owner, and I am quite sure your Honour's Government will not allow the system the continue if your Honour is satisfied as to its injustice.

"Sir, in connection with the assessment of the town, Your Honour's Government has been pleased to observe, in reviewing the administration report of the Corporation, that the results of appeals to the Courts would seem to show that the assessments were equitable. Your Honour is probably not aware of the difficulties of a recourse to the Courts of Law. In the first place a heavy Court fee has to be paid on the off chance of success. Assessment appeals were formerly heard by a Bench of Commissioners where parties could and did appear in person. In 1888, these appeals were transferred to the Small Cause Courts, but no fees were levied until the introduction of the present Act, with the result that appeals have been discouraged. In a Court of Law parties have to engage lawyers who are not generally known to work for love, and expert and necessarily expensive evidence has to be called to meet the case of the Corporation who have their own highly paid experts. The result is a virtual denial of justice to the poorer rate-payers who have to spend their own money to fight the Corporation who employ public funds. If recourse to the Courts is inevitable, may I appeal to Your Honour to restore the old system under which these appeals were exempted from Court fees. This is a matter which Your Honour can dispose of without the appointment of a Commission of inquiry suggested by the Committee of the Corporation. Your Honour, while assessments are being rigorously increased, the Municipal expenditure is also increasing. The resolution of Your Honour's Government says that in the last four years it has gone up by 22 per cent., by which I believe it has increased by 5 lakhs of rupees a year. We have district offices with separate staff, a miniature reproduction of the executive heads, with a miniature Corporation in their advisory Committees: we have Municipal officers having quarters which would be the envy of many members of Your Honour's service for nominal rents, I believe, at 5 per cent. of their salary, with I am told a free use of lights and fans. We have a multiplicity of supervising staff with not very apparent improvement in the results. I am reminded of an old story which may not be known to Your Honour:—"An ancient King had a favourite elephant which he used to feed on milk. The King observed with concern that his favourite was showing signs of diminution in bulk: he appointed an orderly over the *mahout* to superintend the feeding of the elephant. This

did not improve matters, and he appointed a superior officer, but the elephant was pining away. The King went himself to see the animal take its feed, and to his astonishment he found lobsters floating in the milk: he inquired of the *mahout* and threatened to put a high officer of State to supervise the feeding of the animal. The poor *mahout* with folded hands said: My Lord, when I was feeding the elephant, there was only a little water in the milk; when the orderly came, there were snails and crabs: with the advent of the officer, your Majesty is seeing the lobsters, and if a still higher officer of State is appointed, crocodiles will be found floating in the milk to the great prejudice of the elephant. The astonished King asked the *mahout* to explain. The *mahout* all trembling said: 'When I was feeding the elephant, I used to take a little water from my pot and that was enough for me: to satisfy the orderly I brought water from the reservoir where there are crabs and snails, and to meet the wishes of the officer I have to fetch water from the tank where there are lobsters, and if your Majesty places a higher officer over us all, I must go to the river, which is infested with crocodiles.' His Majesty grew wise and desisted from further interference."

"I am afraid much of what is spent on the establishment might be spent on the City itself. Crocodiles certainly are not floating in the streets of Calcutta; but, after a heavy shower, they would be a welcome diversion in the floodod streets, and they may be found if searched for during the rains in the canal area. Sir, in making the above observation, I make no imputation against any official in the Corporation; I only quote the story as showing that mere addition to the staff without careful supervision does not always mean increased efficiency. Sir, now that I am in the subject of the Corporation of Calcutta, with Your Honour's leave I venture to approach a subject where I feel I am treading on delicate ground. There have been three elections since the new Act has been in force. At the first election, Commissioners were appointed to represent wards in which they did not live: in some cases they did not live in Calcutta at all, except casually. This admirable arrangement was of course the work of the Government. Two elections have since followed: the public have taken no interest: the electors have not entered their names as voters and have not cared who stood as candidates: some good men have come in no doubt, men who have done good service in the past and whose presence is a guarantee of honest work: but on the whole it is no use disguising the fact that the elections have been a failure. I might easily give figures to show the decreasing interest of the people in Municipal matters, but I will not tire the patience of the Council. The history of the present Municipal law is too recent to bear repetition; but there was one feature of it which may be briefly referred to. Two of Your Honour's predecessors gave us the solemn assurance that the representation of the City would not be diminished, that the sacred principle of Self-Government would be maintained. The Bill was drafted on these lines; but there was an evident anomaly in the Executive Committee of the Corporation known as its General Committee which was made an independent authority. Fifty elected Commissioners were to elect 4 members in this Committee, and the Government and the other nominated members, whose total strength was 25, were to elect the remaining 8 members. There was a universal protest against this arrangement. The Government of India saw the justice of the protest. A despatch came down from the far off heights of Simla over Your Honour's signature, as Home Secretary, admitting the justice of the protest and recommending that to remove the anomaly the elected Commissioners should be reduced to 25, and so it was done: but the anomaly remains only in diminished proportions: 25 elected Commissioners elect 4 members of the Executive Commitee and the Government and the other members elect 8, out of a body of 12. Sir, there is a story in our country that a great *Badshah* had a big retainer who used to find it inconvenient to pass through the low doors of his master's palace: the retainer complained, and his master saw the justice of his grievance; but to alter the doors meant much trouble, so he ordered the retainer's head to be cut off so that his height might be lessened, but the poor retainer did not survive the operation. The cutting down of the elected Commissioners made some approach, though a very distant one, towards an adjustment, but Local Self-Government was killed.

We are prepared to believe that the whole thing was based upon a misapprehension. We fully believe that unwittingly Your Honour's name has been associated with the perpetration of a great wrong to the residents of this City. May it be associated with the righting of that wrong.

"Sir, my observations have been growing to unusual length, and many important matters I cannot touch. There are one or two things to which I should like to call Your Honour's attention before I close. One of them is closely connected with the health of the City and the sentiment of the people, the discharge into the river of the waste products of the septic tanks. As this is a matter of great importance, Your Honour will excuse me if I go with the question a little more fully than one would care to do towards the end of an address. I quote the observations of Dr. Cook, our Health Officer:—

'I cannot avoid the conclusion that the discharge of septic tank effluents into a river used for the drinking water supply of a City is a danger to the health of that City. There is no getting over the fact that intestinal bacteria capable of producing disease can survive the septic process of purification and live for perhaps a fortnight or so in the water of a river. The logical conclusion is that in order to ensure safety the effluents should be sterilised or diverted into some other channel.'

I also quote from the report of the Special Committee:—

'Dr. Hauston has shown that effluents of this kind, otherwise unobjectionable, contain large number of living pathogenic organisms, such as streptococci, B. Pyocyaneous, B. Enteritidis sporgenes, and some others. He remarks that if streptococci can resist the biological process, there is small ground for the belief that other germs of a dangerous sort, *e.g.*, the typhoid bacillus will be destroyed. He considers that the effluents from the bacteria beds ought to be regarded as hardly, if at all, more safe in their possible relation to disease than the raw sewage before treatment. A similar opinion has also been expressed by the Royal Commission on the disposal of sewage.'

"On these reports the Government Resolution, I must confess, is disappointing. The Government has withdrawn its objection to the installation of these tanks if arrangements are made to try at the effluents with chlorinated lime in the manner proposed by the Sanitary Commissioner, and the Government has suggested that if any installation proves a nuisance, action may be taken under Rule 10 of the rules under the Indian Factories Act or under the Indian Penal Code. It is possible, however, that before action is taken, incalculable mischief may have been done in the pollution of the drinking-water of Calcutta and Howrah. I would respectfully submit that no installations of septic tanks near the Howrah and Calcutta water-supply intakes should be allowed without a special report of the Sanitary Commissioner and of the Health Officer of the Corporation. Sir, it was suggested that the effluents before being allowed to fall into the river should be utilised in the boilers: would not this be a much safer method of dealing with the sewage than chlorination. If there is any objection to this method of treatment, would it not be possible to put the mill-owners to a little expenditure of coal to evaporate the effluents? The health of the city for which the Government is prepared to undertake such heavy expense surely requires to be protected from the insidious danger lurking in these effluents. In a matter of such vital importance that the ancient law-giver, Manu, takes a more determined attitude than the scientists of to-day. 'No one shall throw urine, ordure or sputum into water.' I trust Your Honour's Government will be as firm as this ancient dictum lays down.

"Sir, I have dwelt on many topics and ventured to make several suggestions. People will smile at my audacity. There is a widespread feeling in which I shared, until recently, that our observations pass away like the breath of the wind; but, Sir, my experience of Your Honour's treatment of these matters has been entirely different, and has been to me an agreeable surprise. Many suggestions which we non-official members of Your Honour's Council have ventured to make have received careful consideration, and some of them have been adopted. The suggestion of my friend the Hon'ble Raja Ban Behari Kapur to add family quarters for paying Indian patients to the Calcutta Medical College Hospital has been accepted, and we are all grateful to Your Honour for the carrying out of my Honourable friend's suggestion.

"We see in this year's budget provision for dredging operations in rivers which are being silted up. I presumed to suggest to Your Honour in my budget speech last year to visit the Arambagh sub-division and see for yourself

[*Babu Bhupendra Nath Basu.*]

the havoc created by the Damodar at the Begua breach. Your Honour has been graciously pleased to inspect the place, though I would respectfully press upon Your Honour, or during your Honour's absence on the Hon'ble Mr. Hare, to make a monsoon tour and see the widespread desolation brought about by the floods of the Damodar pouring in through the Begua breach. And, lastly, to me it is a matter of great satisfaction that your Honour has lately appointed a small Committee to consider the drainage scheme in the Presidency Division in connection with the prevalence of malaria, a Committee the appointment of which I had taken the liberty to press on your Honour's attention: might I suggest that an Indian gentleman possessing expert knowledge may be associated with the Committee? The name of Colonel K. P. Gupta who held the high office of a Sanitary Commissioner under Government comes to my mind, and I believe, health permitting, he will be glad to help the Committee.

"Sir, many other matters I should have wished to place before Your Honour to-day, but it is not possible to do so in the course of a single debate. There is one matter, however, to which I shall make a passing reference, namely, the contraction and withdrawal of gun-licenses. In reply to a question put in this Council it was said, I believe, that the growth of population was a sufficient answer to the theory of ravages by wild animals. I believe the Hon'ble Member who framed the answer is aware that the primitive man with his rude implements survived the ravages of the paleozoic mammoths. I may remind the Hon'ble Member that the number of human beings killed in Bengal by wild animals from 1879 to 1903 amounted to the decent figure of 37,576, and the number of cattle killed to 547,836. These are losses which a judicious distribution of fire-arms may have prevented.

"Sir, we have passed through a period of stress and strain. A crisis has come in our national existence, and he who holds the future in the hollow of his hand can alone say how we shall emerge from it. There has been a perceptible and wide breach between the rulers and the ruled, and distrust and want of mutual understanding. The partition of Bengal has agitated the people in a way in which no other measure of Government, since British rule began in this country, has done. Our regret is that the officials on the spot failed to see this; they attributed the whole agitation to wire-pulling from Calcutta, and they were careful to say so in their public utterances. It shows the absolute want of touch that now exists between the people and their rulers; it shows that police reports upon which Government relies, it shows that reports made by people who have the ear of Government, are absolutely misleading, even on matters which lie on the surface. Sir, if the Bengali people are aggrieved at the partition of their Province, they are still more aggrieved at the manner in which it was carried out. An un-British secrecy, an un-British evasion, characterised the procedure followed by Government. No information was vouchsafed either in this or the Supreme Council, and, though fuller information was promised to Parliament, the measure was carried when no Parliment was sitting. Sir, the ex-Viceroy of India has made a public grievance that the control and authority of Parliament were evaded on the question of the appointment of the Supply Member in the Executive Council of the Governor-General. The appointment of the Supply Member is a matter of small concern to us, the people of India, but may we not ask, how was the authorty of Parliament borne in mind by the Government of India, on the far more important question which effected nearly 80 millions of His Majesty's subjects in India: but all that is by the way. The highest authority in the Government of India now admits, notwithstanding local protestations to the contrary, that the agitation is not artificial, but real. But alas! no remedy is forthcoming, no hope held out. After seven years of strenuous life India is asked to pause and to rest. After seven years of reactionary policy to rest at the hollow of the wave is all the assurance we have got. That is not the way, if I may be permitted to say so, to win back the affections of an estranged and bleeding people. Painted elephants and flying penons and sonorous emptinesses no more appeal to the East than to the West. The late Viceroyalty has tried these methods and signally failed. We cannot rest; we shall not rest until England sees the great wrong that her pro-Consuls have done us,

until we have succeeded in arousing the conscience of England to a recognition of our grievances, and then I believe the issue is certain. Sir, there can be no question that the partition of Bengal and the methods by which it was achieved have shaken the confidence of the people in the good faith of the rulers. To you and to us it is a great loss, the waning belief in that noble trait which has been the characteristic of Englishmen in the past, their sense of fair policy. It has never been the practice of our rulers to keep people in the dark, to deal a blow from behind; and it was not till the partition was an accomplished fact that millions of people in the Rajshahi Division knew that they had been severed from Bengal and transferred to Assam. Sir, all the pageantry that an exuberant imagination could suggest has been tried to win the allegiance of a subject people: all the terrors which absolute power can invoke in its aid have been tried, the quartering of Gurkha soldiers and punitive police, the jails and flogging, belt and baton, have all had their part. But a frank and generous recognition of the outrage done to the sentiment of the people, to their most cherished feelings, has not yet been tried. For if that is done, much would lie therein. Would it be a vain hope, a far cry in the wilderness, to make the appeal to our rulers? For your sake and ours, I hope not. Of pomp and pageantry, of smooth words and phrases, we have had enough. Is there no statesman among our rulers who sees the real situation, who can rise above the common places of the Anglo-Indian Code of Government, who is prepared to do something to strike the imagination of an eastern race and win their affection, and who can lay the foundations of a rule with which will be bound the hopes and aspirations of the Indian people, and around which there will be gathered together as round a national standard the Princes and people of India? That there may be, is our earnest hope. That there must be, is our sincere conviction."

The Hon'ble MR. NIMMO said:—"Your Honour,—The Budget before the Council to-day is, I am sure, Sir, regarded by all of us as eminently a prosperity Budget, for not only does it show an expanding revenue, but it records an altogether advantageous new settlement with the Government of India. I am therefore disposed to regard it as a subject for congratulation rather than for criticism. At the same time the present occasion affords a convenient opportunity for bringing important matters to the notice of Government; and it is, I imagine, inevitable that the question of the division of the Province should be prominent in this debate. My own feeling on that vexed question is that for practical men the time for discussion has gone by. Whether we favour partition or object to it, we should now accept it as an accomplished fact. Whatever may be the force of the objections which have been urged against it, the establishment of the new Government seems to be making and will I firmly believe continue to make, for the material welfare of Eastern Bengal and Assam. We see that there is already an awakening of commercial activity in the Province. Schemes for extending and improving its railways are being promoted; mercantile organizations are being formed; and a spirit of trade rivalry with Bengal proper is being exhibited. And what is more, the new Government is evincing a manifest desire to foster and develop the resources of the territories under its jurisdiction. I am not one of those, Sir, who fear that this activity, this aggressive spirit, if I may so call it, will tend to the disadvantage of Bengal or of Calcutta. On the contrary, I believe that it will help us forward to greater prosperity. But we must be no less active. Our resources stand just as much in need of development; and our Government will require to be just as energetic and just as keen as the Government of the sister Province. The statement which we are discussing to-day affords to my mind tangible evidence that the Government of Bengal is not likely to be found wanting in this respect. But I know Sir that you welcome suggestions from the unofficial Members of this Council; and I do not hesitate therefore to put forward certain points which have occurred to me on reading the statement.

"I observe, Sir, that according to the revised estimates for the year which has just closed, a large increase in the receipts from the Hooghly pilotage service is expected. This anticipation may be and probably will be realised,

for the tonnage coming to the port is undoubtedly increasing. But I cannot help inclining to the view that we are sometimes apt to take it too much as a matter of course that this development of trade will continue. It is true that in the past we have witnessed a rapid and a continuous expansion, in spite of obstacles and hindrances. But it seems to me that in the future the expansion may not be either so rapid or so continuous unless we make serious efforts to foster and conserve trade. I notice with pleasure the bold way in which the task of extending and perfecting the facilities of the port is being approached by the Calcutta Port Commissioners; and it is most satisfactory to see that the Government of India are interesting themselves in this question. But the large and costly works which will be necessary will involve the port in very heavy expenditure. I do not object to that. We must be able to handle our traffic efficiently and expeditiously. But we must also keep an eye on the revenue side of the account, and not concentrate our attention too exclusively on the expenditure side. And what I would ask is, are we doing all that we ought to do in this direction—I mean in the direction of increasing our trade so as to enable us to provide this money? I am afraid we are not. In order to bring more trade to the port the first and most essential thing is to cheapen transport. We want the very cheapest transport that we can get. We want to be able to land our staples in Calcutta at the lowest possible cost; and to do that we must perfect our communications. For this reason I am glad to see that the Province will soon be provided with a dredger worthy of the name, which will be used of course on our navigable waterways. It has certainly not been obtained before it was wanted; and I trust that its purchase will be but the prelude to those really comprehensive measures, which have been so long delayed, for the improvement of our rivers and canals. There is no necessity for me to mention in detail the great inland navigation schemes which are awaiting attention. But they are all projects either for providing new, or for improving existing, trade routes. I am no enemy of railways: on the contrary, I am a convinced believer in their extension and development. But because we have built ourselves railways, we must not neglect our magnificent rivers, which are nature's gift to Bengal. Navigable waterways, worked in conjunction with an efficient railway system, will give us the cheap transport which we need; and inland navigation should for that reason be encouraged and fostered. We know what other countries are doing, and we now see that a Royal Commission has been appointed to look into the subject at home. If the advantages of water transport are thus coming to be recognised in Great Britain, where the waterways have to be artificially constructed, surely they ought not be overlooked here in Bengal, where the rivers provide the natural means of communication. And it is to me a matter of much satisfaction to learn that the Government of India, no less than the Government of Bengal, are so alive to the potentialities of our great waterways. But there are, of course, two other Local Governments, in addition to the Government of Bengal, who are interested in the Ganges-Brahmaputra-Megna system of rivers. Unity of effort, combined with continuity of service and vigorous initiation and action, is what is wanted, and possibly it could be most effectively obtained if the work of improving and conserving this river system were entrusted to a special department, subject to the control of the three Governments. The proposals which have recently been discussed for policing the rivers proceed on these lines; and the suggestion may possibly be worthy of your Honour's attention.

"But, as I have already indicated, it is not our waterways only, which I would wish improved and extended. Our railways are equally important, and there is one particular item of railway expenditure which is not of course in this budget, but which will be very shortly, I hope, be in the railway programme of the Government of India. I refer to the proposed railway bridge over the Ganges at Sara Ghât. This has been so much to the front of late that I need neither reiterate the urgency of the project, nor repeat the arguments by which it has been shown, to my mind conclusively, that the site should be somewhere near Sara, and not at any other point which would lengthen the lead. But what I want to say is that to construct this bridge would be to take another step forward in the way of improving the communications converging on this port. With the bridge, and with

a through broad-gauge line from Calcutta to Siliguri, which will be. I hope, a part of the scheme eventually, we shall have done a great deal to facilitate and cheapen the transport of Northern Bengal jute, tea, and other staples from the producing districts to the sea-board. Then we must also remember that Darjeeling is still our summer capital, and the principal sanitarium of the Province; and surely it is not too much to ask that, after waiting patiently for so many years, we should be at length afforded reasonably easy access to it. I know that we have your support, Sir, in this matter, and I trust we shall learn before long that the bridge is to be undertaken.

"I have referred, Sir, to the great port improvements which are in contemplation. If those improvements are to be paid for without an enhancement of the port charges, we shall require to expand our trade to the greatest extent possible. To do that we shall have to be careful to see that no traffic which is legitimately ours is diverted elsewhere; and for this reason I attach considerable importance to the question of the competition between Calcutta and Bombay for the import and export trade of Northern India. We contend that our railways, because they work at lower cost should be allowed to charge lower rates mile for mile than the Bombay lines. It seems on the face of it a simple and a business-like proposal. We know that at present the rates are not lower, and that they cannot be reduced because of the existence of the statutory minimum. This minimum ignores working costs, and its too rigid application has resulted in the western ports being, to my mind, unduly favoured at our expense. I wish them no ill, but I think we have a right to expect from the Government the same good treatment which they receive. At present, to put the case in a concrete form, the Government of India say to the East Indian Railway: 'You must not carry grain from the Cawnpore district to Calcutta unless you "can make a profit of more than Rs. 400 per 100 tons.' And then they say to the Great Indian Peninsula Railway: 'But you may carry it from the same district to Bombay if you can make a profit of Rs. 20 on the same quantity.'

"We were told the other day by the Hon'ble Mr. Hewett that 'the reduction of the minima rates on the East Indian Railway alone would involve the transfer to that line, at the expense of other lines, of traffic which would be conveyed at a lower cost, and a consequent reduction of the general income of our railway systems without a demonstrable increase of the general volume of our internal trade.' It is, Sir, with the greatest diffidence that I venture to question any statement made by a minister whose well-directed and successful efforts for the promotion of India's commerce and industries we all most gratefully acknowledge. But is this proposal really sound? I cannot help thinking that Mr. Howett has overlooked the fact that on the East Indian Railway the cost of working is so much lower than on the Bombay lines. Let us imagine that the East Indian Railway rates were so reduced as to attract to Calcutta the traffic which now goes to the West at a profit, to the carrying railway, of Rs. 20 per 100 tons. The East Indian Railway could then make, I understand, on that traffic, at these reduced rates, a profit of, say Rs. 200 per 100 tons. Surely the net income—and it is, you will observe, not the gross, but the net income in which the Government is interested—of our railway systems could not be diminished in these circumstances. Then, again, I venture to take exception to the suggestion that the reduction would mean a transfer of traffic to the East Indian Railway at the expense of other lines. It would be more correct, I think, to say that the reduction would enable the East Indian Railway to regain traffic which properly belongs to it, but which has been wrongly taken from it by the operation of a too rigid system of minima rates. What the East Indian Railway and the merchants of Calcutta want is to get back their vanished trade with Delhi and their vanishing trade with Cawnpore. We do not seek what does not belong to us; for you must remember please that, from Cawnpore, Calcutta is distant 684 miles, while Bombay is 839 miles. What we say is that a large share of the import and export traffic which goes to these western ports does belong to us. It is artificially deflected to them, because of this system of minima rates. And what is more, the western lines cannot really afford to carry at the rates which they now charge; for they are obliged to make up their dividends by charging exorbitant rates from non-competitive points.

[*Mr. Nimmo.*]

"I further think, Sir, that the Hon'ble Mr. Hewett is mistaken in supposing that no general reduction of rates on the East Indian Railway is contemplated. The correspondence appears to indicate that if the railway were allowed to go below the minimum, they would reduce their rates for long-distance traffic all over the system. It may therefore be reasonably anticipated that a general increase in trade would result from the adoption of the proposal.

"So much has been said of late upon the great question of agriculture, that I hesitate to offer any remarks upon it. But the necessity for improving our methods of production is even greater than the need for improving our methods of distribution upon which I have already dwelt. It is therefore to me a matter of very great satisfaction to observe how earnestly and thoroughly both the Government of India and the Local Governments are working towards this end; and with still more satisfaction do I welcome the cordial invitation which they have extended to the mercantile community to join hands with them in their great task. As regards Bengal, I think that the re-organisation of the Agricultural Department, as explained in the Resolution dated 11th October last, ought to provide us with an admirably effective agency. And if we can only make the Department a really live and efficient organisation, as it is clearly designed to be, I am convinced that it will confer very great benefits upon the people. So far as the commercial community is concerned, the question of the greatest immediate importance in connection with agriculture is that of the adulteration of jute. I am entirely in accord with the Hon'ble Sir Denzil Ibbetson in thinking that the true remedy for the evil is to be found in the extension of the cultivated area. But my fear is that this remedy will be slow, and that the trade may be ruined in the meantime. We cannot afford to wait; we want a remedy now. It is a truism to repeat that Bengal has a monopoly of the jute trade. But the fact that we enjoy that monopoly because our fibre has hitherto been cheap, and good at the price, is not so often insisted upon. Jute has now ceased to be cheap, and, what is more, it is adulterated—it is leavened with rot. We are selling an adulterated article at an extravagant price. To continue to do so will undoubtedly tend to endanger our monopoly; for it will stimulate the cultivation of jute in other parts of the world and will lead to the substitution for jute of other cheap fibres. If we cannot stop adulteration by immediately increasing the crop, as I fear we cannot, then we ought at least to be able to stop it in some other way. I trust therefore that your Honour's Government will favourably consider the legislative proposals which, after prolonged deliberation, have been formulated, and which will be shortly submitted. When, as a result of the steps now being taken to extend cultivation, we have an abundant supply of cheap jute, then adulteration will no doubt disappear, irrespective of the preventive measures. But some years will elapse before we shall be in that happy position, and we cannot in the meantime risk endangering an industry which during the present season has poured into the cultivating districts 10 crores of rupees more than ever before, and which is one of the most profitable in this country.

"There are two other questions concerning the port of Calcutta to which, Sir, I would like to refer very briefly. The first is the question of the hospital port-dues. The object to which these dues are devoted is so excellent, and so commands our sympathy, that I hesitate to criticise them. But we must remember that they are paid by ship-owners throughout the world. They were imposed, and rightly imposed, in the days when our trade was carried in sailing ships manned by European crews. All that is now changed. But few sailing ships visit Calcutta, and our steamers are manned by Indian seamen, who do not care to be in-patients at hospitals. I do not wish to dwell on this subject at any length, but I would remind the Council that Calcutta has a most unenviable notoriety as a dear port. I think therefore that the Bengal Chamber of Commerce is justified in asking, as it has recently done, that the basis upon which these dues are assessed should now be reconsidered; for it should clearly be our endeavour to relieve ship-owners to the greatest extent possible; and I doubt if we ought really to create such a windfall, so to speak, as that mentioned on page 18 of the Statement.

"The second question has reference to the steam Pilot cruiser *Fraser*, which is mentioned in the Budget Statement. This new departure has proved to be so

successful that a suggestion for the purchase of a second cruiser has been, I believe, already made to Government. Seeing that the adoption of the suggestion would enable the brigs to be abolished altogether, the ultimate cost would probably be less than might be at first sight anticipated. One of the advantages of the *Fraser* is that the vessel is equipped with a wireless telegraphic installation, which is of utmost value in establishing communication with shipping while still at sea, and is an advantage greatly appreciated by shipowners and underwriters.

"The Excise revenue of the Province is apparently increasing, Sir, and I notice also that under your new settlement you will obtain one-sixteenth more of it than you have hitherto had. This gives point, I think, to the suggestion which has been made that the Excise revenue should be laid under contribution for the improvement of Calcutta. I rejoice to learn that the Government of India are open to conviction upon the subject of the Imperial grant and I am entirely at one with the Hon'ble the Finance Minister in thinking that those who benefit most by the scheme should bear the brunt of the expenditure. But I am not quite sure that the manufacturers and exporters of jute who have been asked to contribute pretty heavily are among those who will benefit most. For myself I would like the land to pay more liberally, although I recognise the difficulty of formulating practical proposals in that direction. But although an ambitious scheme may be, perhaps, beyond us at the moment, I am inclined to think, from certain small inquiries which I have made, that vacant lands in Calcutta are not perhaps assessed at proper rates. Possibly the Hon'ble Mr. Allen may deem it worth while to look into this question. In a city where there is so much pressure for space the land taxation should certainly not be so arranged as to encourage owners to hold lands vacant in order to inflate values.

"In conclusion, Sir, I desire to mention another question which is not perhaps quite within the scope of our deliberations, but which has recently come under my notice. I have been reading with very great interest a progress report by Sir Frederick Nicholson on the fisheries investigations which he has undertaken on behalf of the Madras Government. The object of these investigations is, I understand, to ascertain whether measures cannot be adopted whereby our Indian seas may be more thoroughly and completely exploited than they are at present. Although the report is only a preliminary statement, and although it deals with but the west coast of Madras, it contains a mass of useful information, and it shows how defective and antiquated are the methods which Indian fishermen now employ. I believe that Sir Frederick Nicholson has since been pursuing his researches on the East Coast; and it has occurred to me that possibly the Government of Bengal might be disposed to co-operate with the Government of Madras, and to arrange for the investigations to be continued in this province. We are all anxious to develop the industries of Bengal, and it does not strike me as being at all beyond the range of the practical to hope that in connection with our fisheries we may eventually have an industry of no mean extent and value.

"More or less associated with the question is a suggestion which has been made for the establishment of an aquarium at the Calcutta Zoological Gardens. The gardens are now being extended, and an aquarium, if it could be included in the extension, would not only add to the attractions of the place, but would also have a certain educational and economic value in connection with fisheries, which we ought not I think to overlook. I hope that the suggestion will be favourably considered by the Government."

The Hon'ble BABU JOGENDRA NATH MUKHERJEE said:—"SIR,—I must begin by offering my congratulations to the Hon'ble the Financial Secretary upon his very lucid presentation of the Budget. The year that is just gone has witnessed an unprecedented disturbance of the normal financial conditions of the country owing to the partition of Bengal, a measure by the way which has convulsed Bengal so much, and I presume it has been a matter of no small difficulty to the Hon'ble Member in charge of the Budget to eliminate the figures appertaining to the 15 districts separated from the old province and to place before the Council for consideration the tables comparing the figures for the expired year with those for the year that has begun. If, therefore, under ordinary circumstances, a lucid financial statement like the

[*Babu Jogendra Nath Mukherjee.*]

one just presented would evoke congratulations, it would do so in a far greater degree in view of the recent administrative changes of so sweeping a character. One of the most noticeable features of the present Budget estimate is that although a good number of important districts have been separated from old Bengal in the middle of the year, the financial equilibrium has been maintained. The total receipts for new Bengal do not fall far short of the estimated figure for undivided Bengal, and the administrative machinery for the former does not appear in any part to have been thrown out of gear; and we have a satisfactory balance for the present year's operations.

"But while congratulating the Hon'ble the Financial Secretary and Your Honour's Government upon the successful launching out, so to speak, of new Bengal from a financial point of view, there are certain points in connection with the Budget estimate which cannot, from the people's point of view, be passed over in silence. The first that I would beg leave to notice is the excess of nearly Rs. 16,00,000 put down to the normal expansion of revenue during the current year, which, in other words, is the difference between the estimated total of receipts for the year 1906-07 and the amount assigned to this Government by the Government of India in the new financial settlement. However legitimate the anxiety of an Administration may be to make its revenue expansive from year to year in order to be able to meet the annually increasing demands upon its resources, it seems to me to be difficult to deny that in its efforts to realise its expectations of revenue the Government is apt, though often unconsciously, to go through the process of its financial harvest-home with but a one-sided intent. The upward tendency of the estimated figure for receipts under the head of 'Assessed taxes' may be referred to by way of example. The Budget estimate for the present year provides for an increase of Rs. 1,00,000 under this head on account of the normal expansion of revenue. Those who have an experience of the administration of the Income-tax law will perhaps bear me out when I say that a good portion of this estimated increase will have to be accounted for by men who either fall below the assessable limit or, though above it, are made to pay more than they ought to, by zealous officers of Government. The explanation which was given last year by the Hon'ble the Financial Secretary regarding this aspect of the Budget does not seem, in my humble judgment, to go to the heart of the question. The mere fact that there has been a steady annual increase under this head in years past, does not afford, to my mind, a sufficient basis for any provision for a further increase in the demand. An increased provision for receipts in the Budget means an increased expectation on the part of Government, and indirectly it is an order on its Executive Officers to bring the realizations up to the level of the Government expectations. Although I fully appreciate the administrative difficulties as to where and how the line is to be drawn in regard to the supposed normal expansion of assessed taxes, a practical solution of the question would seem to lie in the fact of keeping, in the first place, the actuals in respect of receipts for the expiring year as the rough basis for the following year's calculations; in the second place, of scrutinising the details as to the difference between the figures for receipts in the original estimate and the revised estimate for the expiring year and, lastly, instead of adding something more to the actuals of the expiring year, of carefully eliminating from them those items which betray any result of irregular or over-assessment. The net figure thus obtained, if adopted as the initial figure for the estimated receipts for the following year, would perhaps more correctly represent the normal growth of revenue than any figures based merely upon the progressive receipts for past years and accepted without any scrutiny as to how they came into being. There is nothing to show that the increased provision for a lakh of rupees of revenue from Income-tax referred to above as well as the difference between the figures in the original Budget estimate and the revised Budget estimate in respect of any other head of taxation has undergone any such scrutiny, or that any practical check has been kept in the Budget over undue or over-assessments, in any other way.

"Regarding the figures on the receipt side under 'Provincial Rates' and 'Excise,' although different processes for assessment and levy are in force, yet the same remarks would seem to apply to them subject, of course, to necessary

modifications. In connection with the revenue from Excise I may venture to say specially that although I am not one of those who think that all revenue under this head should be sacrificed, I maintain that Government should not raise from it any revenue which has the result of directly or indirectly encouraging the consumption of intoxicants, and I would ask Your Honour's Government to provide for a more effective scheme in the Excise law which is going to be amended in a short time, whereby this object can be more fully attained than is the case at present. So far, there is no indication in the Budget statement which will go to assure the public mind that the present excise policy of Government or the increased revenue under this head from year to year has succeeded to any appreciable extent in steering clear of the danger of stimulating the consumption of intoxicants.

"Apart from the question of what ought to have been Bengal's share in the grants from the surplus revenue made by the Government of India to the different Provincial Governments, I cannot pass over the general column of receipts without acknowledging the fairness with which the Government of India has treated this Government in the matter of the new financial settlement. Although in a country palpably overtaxed like ours, the Supreme Government finds in the end of the year, as a rule, a lot of surplus money on hand which it must dispose of somehow, it is gratifying to find that in the present year that Government has thought fit to apply it to a great extent to objects of admitted utility. I notice with particular satisfaction—and I think I reflect the sentiment of the majority of my educated countrymen in this matter—the assignment to this Government of a larger proportion of the expanding revenues. This, to my mind, will enable Your Honour's Government to proceed with greater certainty to the forming and carrying out of more comprehensive schemes of improvement and reform than has been possible hitherto. At the same time, the people will have the satisfaction of knowing that if they have had to pay more, a good portion of the amount paid will be locally spent.

"The grants made to several Municipalities in the Province in aid of sanitary improvements have my cordial sympathy, specially the grant of Rs. 25,000 to the Bhagalpur Municipality for water-works and of Rs. 75,000 to the Monghyr Municipality for water-supply, both these towns belonging, as they do, to the Division which I have the honour to represent in this Council. The grants to the last-named towns will be specially appreciated at a period when both of them have been suffering from severe visitations of plague. No doubt plague may have its origin and growth in other causes which have to be specially dealt with, but anything that tends to bring about the supply of good drinking water is calculated, among other things, to restrict the scope of its activity by introducing healthier conditions among the townspeople.

"But, however, grateful we may be for special contributions of this kind, we cannot overlook the demands of the country at large in respect of sanitation. It will be superfluous for me to allude to the excessive mortality from fever, cholera, and plague in this Province and to the fact that where malaria does not kill, it enfeebles and enervates the population, for years if not for generations, inasmuch as the question was dealt with, with some fulness, by my friends the Hon'ble Babu Bhupendra Nath Basu and the Hon'ble Mr. J. Chaudhuri last year. Your Honour was pleased to observe on that occasion that their appeals in this connection had not fallen on unsympathetic ears and that the matter was already engaging the attention of Government. One year has since gone by, yet it is not known whether any scheme calculated to mitigate, on any comprehensive scale, the ravages of these evils, has been formulated, or even if not formulated, at what stage of consideration the question is at present. It must be admitted that several insanitary conditions of an extensive character exist in the country; and it will be for Your Honour's Government, in formulating any scheme for the improvement of the sanitary conditions of our towns and villages, to fix with some precision the responsibilities of the people and of the Government. I say this because it has been repeated, year after year, by responsible officers, that in certain important matters of sanitation, the people must do everything and the Government little or nothing. I will here quote what was stated last year by one Hon'ble Member in defending the position of

Government in connection with the supply of good drinking-water to our villages. He said: 'A doctrine of self-help is usually distasteful; but in this vitally important matter there is no other possible remedy.' Again, in connection with the question of malaria in the country, the only important Government action he pointed to, apart from the Magra Hât drainage scheme, was an increased manufacture of quinine, and increased facilities for its sale and consumption. All this is very good so far as it goes, just as the doctrine of self-help is a very sound doctrine But I have to join issue with the Hon'ble Member, if by what he said be intended to minimise the responsibility of Government in the matter of sanitary improvements. I need scarcely point out that some of the insanitary conditions of our towns and villages are the direct results of certain acts of State such as irrigation and railway; and there can be no doubt that these either divert or interfere with the natural drainage of the country and the out-flow of its waters. As to irrigation, it is undoubted that the Government by diverting to some extent the waters of our great rivers from their natural channels and by spreading them over the country for agricultural purposes, has been gradually but steadily attenuating them. Again, the beds of the canals by which the waters of the Ganges are drawn away from it, being on a higher level than the surrounding country, render the latter damp by percolation and thus bring on malaria. I have seen such results myself near Dinapore and Khagole. I noticed there places which were dry and healthy before the canals came into existence, but which have become distinctly malarious since that time. Further down its course, the silting up of the bed of the Ganges and of its branches in the Gangetic delta is traceable, to my mind, to a material extent, to the diversion of its waters up-stream. If, therefore, irrigation brings in its train certain attendant evils, or if the railways and the high-bunded roads all over the country, restrict the natural waterways and interfere with the natural drainage of the country, is it not the plain duty of Government to keep the fact in mind and work out a scheme which will effectively grapple with the causes of these epidemics? We are thankful for the comparatively small projects such as those in connection with the Magra Hât and the Bhairab valley drainage. But, after all, these schemes are not very comprehensive. I respectfully submit that the Government has not hitherto shown itself sufficiently alive to the situation.

"As regards the supply of good drinking water to our village communities, the first point to which I would beg leave to draw the attention of Your Honour's Government is, that when the people pay a special cess in the shape of Public Works Cess, would it not be reasonable for them to urge that, instead of the amount available under this head of revenue being mostly used up in the construction of buildings in big towns and head-quarters stations, a fixed-proportion of it should be spent every year in keeping up at least one or two tanks or wells in each village for this purpose? A great number of Government buildings have already come into existence, sufficient perhaps for the present requirements of our big towns and stations, but even if this number is not sufficient, it seems to me that questions of life and death should have preference to questions of mere adornment or convenience.

"The next point is that, assuming that the people must do everything in the matter of their village water-supply, should it be considered impracticable for Government to stimulate their energies in this behalf? The Government commands a vast influence over zamindars and other monied classes, and if it once became known to them that it looked upon the excavation and maintainance of tanks and wells with special favour, a good beginning would perhaps at once spring into our vision. Where Municipalities exist the Government will do well to continue to employ its influence in the matter of water-supply as it has been doing for some time past. Further, it can do similar work through village panchayats also wherever such organisations may exist.

"Turning to the Police it is not very satisfactory to find that there have been savings in the special and other grants to this department, amounting to about 7 lakhs of rupees. I do not mean to suggest for one moment that the grants, if utilised would have inaugurated a golden era of Police Administration. I believe that any amount of these grants, or even some increments of pay, would fail to achieve their purpose fully, so long as the real canker that is eating into the vitals of the Police administration,

viz., the union of the Judicial and Executive functions in one and the same person, is left untouched. These savings form part of a total of Rs. 28,34,000 effected under different heads, including even that of Education, and they betray a general slowness of movement which is not altogether in keeping with our expectations of progress.

"The savings also relate to another branch of the Administration in respect of which I beg leave to say a word or two, I mean, to the non-utilization of the grants for the increase in the number of Deputy Collectors, as well as for the increase of salaries of the Ministerial officers. The grants under these heads failed to be utilised in 1904-1905 also, and it is hoped Your Honour's Government will find it possible to dispose of these matters completely and satisfactorily in course of the current year. But while on this question, I may be permitted to say a few words in support of the claims of Sub-Deputy Collectors to better treatment than they have hitherto received. There is little difference between Deputy Collectors and these officers, specially those who have been appointed as Sub-Deputy Collectors in recent times, and the two classes have to do practically the same kind of work. Yet, the difference between them in point of pay and prospects is considerable, and in view of the facts submitted above, perhaps unjustifiable; and I am glad to learn from the answer which has been just given to my question on the subject, that the matter of the travelling and halting allowances of Sub-deputy Collectors has been decided in their favour. I may also be permitted to say a word or two in regard to the present prospects of Munsifs, a subject which has been already dealt with by my Hon'ble friend Mr. Syed Sharfuddin. These hard-worked officers of Government have to wait almost to the end of their career before they can become Sub-Judges, and some of them have to retire before their turn for that office comes to them. It is not possible for me now to enter into any discussion over this subject, but I will leave it by respectfully asking Your Honour's Government to consider, along with the Hon'ble Judges of the High Court, whether it is not possible to create an intermediate grade for Munsifs carrying a pay of Rs. 500. Such a measure will, I feel sure, mitigate, to some extent, the feeling of dejection, which, so far as I know, exists among this class of officers

"Sir, the non-utilization of the Educational grants to the extent of Rs. 9½ lakhs bears testimony to the backwardness in respect of a most important branch of the Administration, which, to my mind, should engage Your Honour's attention, specially as we all know, how favourably disposed Your Honour is towards progress and reform in all the branches of Education—primary, secondary as well as higher. Observations on the details of this branch of the administration have been made by my Hon'ble friend Babu Bhupendra Nath Basu and I do not propose to go over the same ground again. I notice, however, with special satisfaction the large grants made towards college education, both general as well as technical. The provision of Rs. 1,00,000 as the initial outlay on the establishment of a central weaving school at Sirampur is a special feature of the Budget which deserves notice. It is a small beginning, but apart from the question of the undoubted practical usefulness of such an institution, the grant appears to me to indicate a disposition on the part of Government to recognise the principle that for the administration to be successful Government must move with the people and with the times. Yet there is another without recognising which we may look for satisfactory progress in vain. We may spend money in constructing buildings for the development of primary education, buy models and fit up laboratories for our technical schools and colleges, make provision for the improvement of agriculture and do many other things besides, but they will remain detached from the great heart of the people and will be comparatively barren of good results, so long as all forms of education do not tend to wake up in the mind of the people a national self-consciousness. Such a turn to our educational system is bound to result in self-help and power of joint action in the people. If we examine the material and moral results of the working of any department of our administration, we shall find that the apathy and helplessnes of the people are blocking a good part of the way of progress. As in individuals, so in nations and communities. Make the individual unconscious, the limbs cease to act, put vitality into him, the limbs commence to work. If

[*Babu Jogendra Nath Mukherjee; Raja Ban Behari Kapur.*]

our great administration tend to produce anæsthetic effects on the people, it will be unreasonable to expect self help in them to any considerable extent.

"I do not feel justified in detaining the Hon'ble Members any longer with my observations. I think I have detained them too long already. I will only say in conclusion that I feel thankful to Your Honour for the several progressive measures which have been provided for in the Budget, although I wish their number were larger and their scope more extensive. Yet such as they are, they cannot fail to be appreciated by the public, and I hope and trust that we shall find ampler provision for progress and reform in the Budget for the next year."

The Hon'ble RAJA BAN BEHARI KAPUR, said:—"Your Honour—I beg to offer you my sincere congratulations on the new financial settlement which has been effected with the Government of India after the making over of fifteen districts to the new Province of Eastern Bengal and Assam. It removes all doubts and apprehensions that were naturally caused by the altered circumstances induced by the new cession.

"The Budget under discussion which is ably prepared by the Hon'ble the Financial Secretary on the basis of our new settlement with the Government of India should be declared a Prosperity Budget, and I feel bound to congratulate Your Honour and the Financial Secretary on such a good Budget. The Budget is clear and comprehensive, and its allotments are fair and just. I have no desire to occupy the time of the Council by dealing with the Budget allotments in all their details. I shall confine myself to a few heads only.

"Sir, I do not consider it fair to deal with the points which I desire to take up before offering, through Your Honour, our thanks to His Excellency the Governor General in Council for the abolition of the zamindari dâk cess, amounting to Rs. 2,34,000 only—a cess which, however small, entailed a good deal of trouble, labour and expense on the Government for its collection, and was looked upon as an improper cess in these days of an expansive postal system. The exemption from this tax will relieve the agricultural class as well as the landlords who had to pay the greater portion of this cess from their own pockets, being unable to realise the whole amount from their subordinate tenure-holders or from the tenants under direct management where no clear stipulation existed in the *kabuliyats*. Its collection by the zamindars was very expensive. The abolition of the zamindari dâk cess is a blessing to all concerned, and will have the effect of putting a stop to a large number of petty suits in courts.

"Before leaving the subject of remission of taxation, I venture to mention in passing that when I had the honour of serving my first term as a Member of this Council in 1885, a Bill was introduced styled "Canoongoo and patwari Bill" for the purpose of levying taxes for the introduction and the upkeep of the Patwari system. Some of my hon'ble colleagues and myself successfully opposed the introduction of the measure, and the Bill was fortunately withdrawn. Here in 1906 the Indian Government find the Patwari cesses to be improper cesses or taxes, and give up a large amount of income in the present Budget. However, I am glad to find that I was in the right in opposing the introduction of the Bill in question in 1885, for if this Bill had become law the landlords and the tenants would have to pay a tax which the Government of the present day consider it improper to saddle the agricultural people of other provinces with.

"It is very gratifying to find in paragraph 16 of the Budget under head 'Non-recurring charges' a provision of Rs. 1,00,000 for meeting the "Initial outlay on the establishment of Central Weaving School at Serampore." The establishment of the Weaving School will do much towards the renewal and improvement of the weaving industry in Bengal, and we hope that pupils from this school will gradually disseminate throughout the country a thorough knowledge of weaving in all its branches. This move is in the right direction, and your Government deserve the grateful thanks of the nation. I hope, Sir, this step taken by you will be followed up by others equally practical and beneficial to the country and its people. The institution at Pusa, by diffusing scientific knowledge of agriculture amongst the people and the school at Serampore by placing the most improved methods of weaving within their reach will

contribute much towards the prosperity of the country in the quietest and the least aggressive manner.

"I beg to suggest, Sir, that, following the tradition of the Mogul Emperors, the Government should, in addition to the sum allotted to the District Boards for the supply of drinking-water, set apart a certain sum annually for digging and re-excavating large *dighees* and tanks in selected areas and localities which would not only serve the purpose of supplying drinking-water, but would also afford the means of irrigation in years of drought. There are several large tanks and *dighees* which are commonly known as Badshahi Dighi, Dewan, Dighi, etc. which were excavated and maintained by the State in those days. When *dighees* or tanks are thus excavated they should be kept up as public properties. If this is done, Sir, your Government will vertually ensure the water-supply for drinking and irrigation purposes and guard against scarcity in years of drought. I need not say that it is better to allot some money to provide against scarcity than to spend much more in relief-works during famine.

"Last year at the debate of the Council on the Budget I had the honour to propose the establishment of a paying patients' ward for middle class Indian gentlemen, and I was fortunate enough to get your sympathetic support towards the proposal. Your Honour soon after appointed a representative Committee consisting of several European and Indian gentlemen to draw up a scheme and submit a practicable proposition for the consideration of Your Honour. The Committee met on several occasions and submitted its report under the signature of Lieutenant-Colonel C. P. Lukis, M.D., F.R.C.S., its President, on the 7th July 1905. This subject was discussed before Your Honour at Belvedere on the 1st February last at a meeting presided over by yourself; and in spite of strong opposition from some members Your Honour was satisfied that the project was one which should receive your support. Therefore Your Honour was pleased to say that the project should be taken up and proceeded with. Though our original proposal was for 50 beds according to cottage hospital plan, it was agreed to have only 20 beds to start with, and the Hon'ble Mr. Shirres said that the probable cost would be Rs. 3,00,000, but that the Government could not undertake to pay the whole cost. Sir, you were pleased to say that you would be prepared to pay one-third of the initial cost of the building, and that two-thirds should be raised by subscription. You, Sir, were also pleased to announce at that meeting that one of the worthy citizens of Calcutta—Seth Sheo Prosad Joonjoonwala—had placed Rs. 30,000 at your hands and was prepared to go up to another Rs. 10,000. It will not be out of place here to thank our worthy friend for his munificent donation and to express a hope that other gentlemen of means will come forward with their contributions towards the carrying out of the project.

"My hon'ble friend, the Financial Secretary, remarked at the meeting of the 1st February last that as the European Community subscribed a large sum for the construction of the "paying patients' block" at the Presidency General Hospital, it was expected that the Native community should come forward to make up the required amount by subscriptions. But it will be as well to remember in this connection that whereas the European community fully appreciates the advantages of a fully-equipped medical establishment and are above all prejudices against treatment in such a place, the Indian people prefer home nursing to hired, though more skilful, ministration in a strange place and look upon removal to a hospital as social degradation. Besides the European residents are far and away better able to pay for whatever they consider to be useful than the middle class Indian people who alone would be benefitted by the scheme under contemplation; we can therefore look up to only the wealthy community with charitable and sympathetic feelings, for subscriptions. Hence I am not very hopeful as to the amount we are likely to get together, though it is quite possible that we shall be able to collect a sufficient amount. It is for this reason, Sir, that I want to say that there is a certain accumulated sum of money now lying unused at the different treasuries in the collectorates of this province, and if Your Honour is pleased, it could be made available for this noble object, without any loss to anybody whatsoever. There is a large sum of money under the deposit

[*Raja Ban Behari Kapur.*]

head at the different treasuries in Bengal, being the accumulated amount of landlords' fees under sections 12, 13 and 15 of the Bengal Tenancy Act (from year 1885-86 to 1903-04, and I have not been able to obtain the figures for 1904-05 and 1905-06) aggregating Rs. 5,69,354, which, for various reasons, has not been drawn by the parties in whose favour it is held. I understand that if a certain proposal which is under consideration be carried into effect a large portion of this amount might be withdrawn. Even, if we assume, Sir, that half of this amount will be withdrawn, the other half, namely, Rs. 2,84,677, will, at no distant date, lapse to Government. My definite proposal is, Sir, that by the issue of a certain rule from the Board of Revenue or by an Executive order, the landlords in whose favour these deposits are held should be required to withdraw the amount within a fixed time, after which the money will be declared to have lapsed to Government. The amount which thus comes to Government will be made over for the construction of the paying-patients' hospital for Indian patients. This proposal of mine might seem to be rather rough-and-ready, but Sir, I am positively certain that the amount held in deposit will lapse to Government, sooner or later, and that is why I propose that the Indian peoples' money may very well be used for the benefit of the Indian people at large. If this is done, Sir, we will not require to raise any subscription, though, of course, we shall always be thankful to persons proferring any donation towards the object. I am afraid, Sir, I have tired the Council with this long disquisition of mine, but before I leave this subject I must offer my sincere thanks to Your Honour for the provision of Rs. 1,00,000 made in the budget for the project under discussion, though I do not think it will suffice to complete our object. We desire to have twenty units all built one storied on the Cottage Hospital plan and so arranged that the patients will be able to bring their families with them and cook their own food. If we cannot get this, then we shall agree to have five separate double-storied blocks having four units in each with separate stair-cases, proper attention being paid to the *zanana* arrangments of each unit so that ladies of one family could get in and out without being looked over by the inmates of other units. Sir, if ever this project becomes an accomplished fact, it would be entirely through your personal sympathy and support and the boon you will have thus conferred upon the public would be appreciated so much, that your name will go down to posterity and be always remembered very thankfully.

"In paragraph 11 of the Budget Statement I find the following "In revising the terms the receipts under the heads of Land Revenue, Excise, Assessed Taxes and Forests have been divided equally between Provincial and Imperial, while the collections from Government estates have been made wholly Provincial." Therefore, Sir, I wish to suggest for Your Honour's consideration that as under, the present which is "of a *quasi*-permanent nature" the revenue from the Government estates will remain wholly Provincial, for the future benefit of the province the number of Government khas mahals be increased and more estates be created by bringing under cultivation larger areas of lands in the Sundarbans and other uncultivated areas situated in different districts under your government, and for this purpose a fixed sum be allotted every year for some years to come, and that the estates under Government management be allowed to continue to be so managed and may not be leased out either under temporary or permanent leases. It is needless for me to say, Sir, that the more the revenue Your Honour can command the more numerous will be the benefits you can confer on the province under your care.

"The crops of the year which were very promising at one time have suffered very much from unusually heavy rain and hail at a time when it was not wanted. The paddy crop was good, but people did not get a sufficiently large number of sunny days and the thrashing of the paddy was delayed so very much that much paddy and straw has gone bad. The *rabi* crops, especially sugarcane and the potato, have suffered very much, and many tenants have lost a good deal of money and labour over these crops. This is a bad year and all sorts of crops have been damaged someway or other. For this reason, Sir, and as some Hon'ble Members of this Council asked questions on this subject and stated that scarcity existed in parts of this province, I think a

certain amount, out of our surplus, might, with advantage, be set apart for aiding districts which may feel the pinch but cannot meet it from the local funds.

"I beg leave to ask Your Honour to redress a grievance which, though it may, at first sight, seem to be purely nominal, is none the less a source of misapprehension, and as such, it may, in the near or distant future lead to mischief, if not real danger; on many occasions the question of some part of Bengal being affected with malarious fever was brought up in Council and on every one of these the fever was called the Burdwan fever. So far as we are acquainted with the genesis and history of the fever which has been ravaging Bengal for the last half of a century, it originated at Ula in the District of Nadia and devastated many populous villages before it appeared at Burdwan. Thus it will be seen that there is no earthly reason why this fever should be named after Burdwan more than after any of the other number of places afflicted by it. Besides, it is not fair that a disease, which is not confined to any particular place, should have a local designation, seeing that the plague or cholera is not designated after any place where it broke out first or has since claimed the largest number of victims.

"Before I resume my seat, allow me, Sir, to wish you God-speed and a pleasant voyage home, and, as a mark of our appreciation of your universal kindness, sympathy and fair dealing, to say that we sincerely hope that you will come back to us after the expiry of your leave and the completion of the work which is taking you home, with renewed health, zeal and vigour and be able to govern this province during the full time of your office."

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad said:—"I have to congratulate the Government for the Financial Statement for the past year, and the prosperity Budget Statement for the current year.

"The Budget Statement for the current year provides for an expenditure of Rs. 5,20,94,000, allotment being apportioned according to the importance of the various sorts of works and objects.

"It is gratifying to find an amount larger by almost ten lakhs has been provided for education. I do not, however, understand why a less amount than was provided last year has been sanctioned for 'grants-in-aid.' The allotment of Rs. 1,35,000 for technical education, which will take the shape of a Weaving Institution at Serampore is indeed a provision for which the whole province will be grateful to Government. I understand one lakh would be the initial expense for starting the institution, and Rs. 35,000 would be required annually for the maintenance.

"The grant for police is also very satisfactory, and it is hoped that the Police Department would be appreciably improved by raising the pay of responsible officers.

"The abolition of the zamindari dâk cess is a measure in the right direction, and I am sure the land-owning class will feel the benefit in a perceptible way.

"I regret to find that no provision has been made for the improvement of the river Bhagirathi. It is true that the opening of a new Railway and another in contemplation will afford facilities for transit and traffic; but I regret that the Government has not been pleased to consider another aspect of the question, viz., the sanitary condition of the large tract through which the river runs. The present condition of the river is most deplorable, the least depth of water sounding being—

(1) at the entrance 6 inches,
(2) from entrance to Geria 2 inches,
(3) from Geria to Jangipur 4 inches,
(4) from Jangipur to Berhampore 9 inches, and
(5) from Berhampore to Katwa 7 inches.

"The health of the whole tract from the entrance from Ganges to Katwa, a distance of nearly a hundred miles, is sure to be affected prejudicially, and the malaria, which has already made its appearance, will develop by leaps and bounds. For the prevention of the insanitary condition of this large tract, and that there may be available good drinking-water, effective measures ought

[*Aif Kadr Saiyid Wasif Ali Mirza ; Mr. J. Chaudhuri.*]

to be adopted by the Government. It is, I am afraid, this want of good drinking-water which is the cause of so much cholera at Murshidabad, which carries off a number of people every year, and which, together with malaria consequent upon defective drainage and other insanitary causes, has been depopulating Murshidabad from year to year, the death-rates having always considerably exceeded the birth-rates for a succession of years. I hope that these matters will receive such attention at the hands of Government as their vital importance to the existence of the people deserves.

"It appears from the Financial Statement of the last year that a large amount (Rs. 28,34,000), though provided in the Budget, was not spent. This is certainly to be regretted, and I hope that the Government will be pleased to see that the Heads of the different Departments of the Administration carry out the various measures of improvement and do not allow the money to remain idle and unexpended.

"Lastly, I venture to submit that in view of the Financial condition steps should be taken to reduce the taxation, and I beg to take the liberty to suggest that if any additional grant be made for the Police, relief might be given to the poor agriculturist by reducing the village Chaukidari tax. Poor raiyats who live upon agriculture only, feel sorely on account of the tax they have to pay for the maintenance of the village chaukidars and while a reduction of the tax can be effected by Government very easily, contentment and happiness would then be secured to a large class of poor raiyats of His Majesty's subjects."

The Hon'ble MR. J. CHAUDHURI said:—"Sir, the Bengal Financial Statement for 1906-7 may truly be said to be the Bengal Partition Budget. I am quite conscious that any allusion to the Partition of Bengal is likely to be unpleasant to those who have been more or less responsible for it. However mindful I may be of their feeling in the matter and unmindful of their disregard of ours in its connection, I feel sorry that I can no more discuss the present Budget without any reference to the Partition than one can discourse on the play of Hamlet without making any allusion to the character of the Prince or the affairs of the State of Denmark.

"It has been often said, Sir, that our objections to the Partition are mostly sentimental, but I shall presently show by reference to solid facts and figures—even from this very Financial Statement that is before us—how, not only the fifteen partitioned districts but also the remaining Province of Bengal has been seriously prejudiced by it.

"Before I come to discuss dry facts and figures and relegate our sentiments in the matter of the Partition to the background, I may be pardoned for repeating the concluding words of our Secretary of State, Mr. John Morley, in the recent Partition Debate in Parliament, regarding the place of sentiment in public affairs—'You may call it sentiment if you like, but a man is ill-fitted for the governing of other men if he does not give a large place to the operation of sentiment.'

"It gladdens my heart to find, that amongst the universal opposition to the Partition in the severed territory, even Nawab Salimulla, the 'only faithful' supporter of Lord Curzon's Partition Scheme, in the fifteen districts concerned, observed in the Viceregal Council the other day that 'he did not for a moment ignore the strong sentiment of attachment and a passionate desire to cling together which a seeming severance has so unmistakeably evoked.' But he expected that time would remove the pangs of separation.

"I shall advert now to facts which cannot be gainsaid, to show that the effect of this severance is not at all 'seeming,' but is most real and likely to prove a source of some irreparable wrongs to us, should the Partition be perpetuated.

"Take for instance my constituency, the Rajshahi Division, now comprising of six districts, Rajshahi, Pabna, Bogra, Rangpur, Dinajpur and Jalpaiguri. Before Partition, Calcutta and Darjeeling were our seats of government. When we had any urgent business with the Government we could finish our day's work in any one of those districts, catch the Darjeeling up or down mail in the course of the night and get to Darjeeling or Calcutta during business hours of the next day. As for Calcutta, we can arrive here before

office hours and finish our business in the course of the day and taking the up Darjeeling mail get back to any one of the six districts the next morning. As for Darjeeling, it is equally accessible from all the six and especially so from the northern districts.

"Now take the seats of the government to which we have been transferred. From none of the six districts can we reach Dacca starting any evening before the following night. On the return journey we lose another day. When a certain business can be done in a day, to waste two days for it would be regarded as intolerable in the present business age. When the Government of the new Province resides in Shillong, it will be impossible for us to get there from any one of the six districts in less than three days and thus a week will be wasted when there is any occasion for us or for the District officers to visit the seat of Government or for any official from Shillong to visit any of the six districts. Darjeeling and Calcutta are also much more accessible from Dacca or Mymensingh than is Shillong. As for the people of Malda, their lot is still more pitiable.

"The seat of Government was transferred from Dacca to Murshidabad by Murshid-Kuli-Khan two centuries ago for the convenience of the administration of Bengal, as the latter place was more centrally situated. With the consolidation of the British rule, the capital of Bengal only shifted along the same line, down the same river Bhagirathi, because the British are a maritime people and wanted their capital closer to the sea. But if you look into the history of Bengal, ancient or modern, you will find that the capital of Bengal has all along gravitated along the same line, be it at Gour, Navadwip, Murshidabad or Calcutta. Attempts to remove it further east, be it by the Hindu Princes to Bikrampur or by Mahomedan Viceroys to Dacca, have failed, and, I dare say, this attempt by an English Viceroy to remove it to a place already tried and found wanting, will fail too. The present scheme of Partition is not only a historical anomaly but also a geographical absurdity.

"In spite of such inconveniences, if the Governments of Eastern and Western Bengal believe that we shall soon get reconciled to our lot and both would continue to cry 'annihilate time and space and make two lovers happy,' I would say that it is a very fine poetic sentiment but many many years ago Edmund Burke had said it has no place in practical politics.

"The Partition has not only set up arbitrary and artificial barriers between one and the same people, but, as time goes on, it is likely to work incalculable mischief in many other ways. If it continues in force for long, it will make a mess of our land-laws. Fortunately or unfortunately for Lower Bengal, land forms its principal resource, and agriculture its chief occupation and industry. Heretofore the land-laws for all Bengal were one and the same. They were the slow growth of centuries and were consolidated, amended, or altered by one and the same Legislature. Whether the laws were good or bad there was always uniformity of the laws in Eastern and Western, Northern and Southern Bengal. But now Northern and Eastern Bengal and Southern and Western Bengal have been placed under two different legislatures. The boundary line between the partitioned provinces cuts people's houses, gardens, holdings, &c., into two. It should also be remembered that the same divisions and subdivisions of land or estates that were prevalent in Muhammadan times have also come down to us. The divisions known as *pargana*, *taraf*, *dihi*, *mauza*, &c., comprise extents of land, villages or groups of villages and they will, henceforth, fall partly in one province and partly in the other. They may be owned by one and the same, or two or more co-sharer landlords or tenants or tenure-holders. Now if the land-laws are henceforth amended by two different legislatures in two different ways, the Courts of law may often be at a loss to determine which law to apply; and the landlords and tenants may get still more confused as regards their rights and remedies under the conflicting provisions of different laws. For instance, if the two legislatures amend the laws regarding co-sharer landlords, as regards their rights and remedies as between themselves or in their relation to the tenants, in two different ways, the co-sharer landlords living in different provinces or the tenants or tenure-holders owning holdings which may extend over both the provinces, will be placed in an impossible position. It may be suggested, however, that the only

[*Mr. J. Chaudhuri.*]

way to avoid such divergent legislation would be to leave it to the Governor-General's Council to amend all land-laws relating to Bengal. But why should then Bengal to be placed under two legislatures?

"I can multiply the number of other legislative and administrative anomalies that will result from this Partition of Bengal. But I shall content myself here by pointing out only the typical ones.

"It has perhaps not been realized by the tax-payers of this Province that the Partition of Bengal has financially affected them very prejudicially. Without any very elaborate calculation I shall prove my proposition in such general terms as will carry conviction to the minds of the average tax-payer. Our Financial Secretary, in laying the Budget before us, a fortnight ago, observed that the fifteen districts, now partitioned off from this Province, yielded annually a net surplus of Rs. 9,27,000. This amount was available to this Province for expenditure outside those districts, that is partly to defray the cost of the central Government in this Province. The central Administration of this Province has obtained no financial relief from the Partition. The Lieutenant-Governor and his staff, the Secretariat, the Board of Revenue, and also 'Superintendence' under Excise, Registration, Forest, &c., as shown in Appendix B of the Financial Statement, are costing us just the same as before. By way of anomaly, perhaps, the only curtailment noticeable is under High Court, which obtains no relief from Partition, in respect of an Additional Judge for inspection work provided for in last year's Budget.

"The net result, however, is that after the partition the Bengal Government could not have defrayed the cost of its central Administration for the ensuing year without this sum of Rs. 9,27,000. To make good this deficiency the Government of India came to its rescue and made over to it a larger share of the provincial sources of revenue. Before partition, the Bengal Government used to get only a fourth of the land revenue, $\frac{7}{16}$ of excise, $\frac{1}{4}$ of the assessed taxes, $\frac{1}{4}$ of the Forests, &c., &c., and now generally a half share of all these sources of revenue and the whole (and not merely 12 per cent. as formerly) of the collections of the Government estates have been made over to the Local Government. And why? To make good the deficit resulting from the Partition of Bengal. This annual deficit for the past year has been put down at Rs. 9,27,000, and from a prospective point of view I may put it down roundly at 10 lakhs a year. This means the making over of a larger proportion of the tax-payers' money out of this Province for meeting the cost of the self-same central Administration. Or in other words, if the Partition had not taken place and we had got a half share of our provincial revenues, those 10 lakhs would have been available to us annually to make a return to the poor tax-payers of this Province by way of giving better drinking water, drainage and improved sanitary surroundings for want of which they have been dying by millions every year from the ravages of malarial fever, cholera, plague and other pestilences. In the present Budget provision is made for the expenditure of only 20 thousand rupees for the prevention of malaria, which alone has been for many years past claiming annually from 1,600,000 to 1,700,000 victims in a population of 75 millions of souls. If so many people died from famine any year it would stagger humanity, and we would bestir ourselves, but when they die of fever year after year in such appalling numbers, we look on complacently and continue to squander money with an easy conscience. Even ten lakhs a year is too little to cope with a pest of this magnitude but to provide only 20 thousand rupees in the next year's Budget is a satire on suffering humanity.

"It must not be supposed, however, that the fifteen districts transferred have been any gainers by being wedded to Assam, which has been a source of financial drain to the Government of India for a number of years past.

"Before I proceed to show this I must express my surprise that in this dissolution of partnership and the starting of new accounts the Government has published neither the accounts nor the Budget estimate for Eastern Bengal and Assam. I applied to the Bengal Government for a copy and I was told that even Your Honour's Government has not been furnished with a copy of the Financial Statement for Eastern Bengal. I then applied to the Government of Eastern Bengal and Assam for a copy and hoping against all hopes expected to be favoured with one. But Mr. Lyon has not had the courtesy

of even acknowledging, much less of giving any reply, to my inquiry which was addressed to him.

"But through the courtesy of the Hon'ble Mr. Baker, the Financial Member of the Government of India, I was furnished with an abstract of the Budget estimate for Eastern Bengal and Assam. This statement, though it does not give such details as we would desire to have, yet confirms my suspicion that the fifteen districts have in no way been gainers by the change. I can show this to you even without any reference to the tabular statement with which I have been favoured by the Hon'ble Mr. Baker. If you will only refer to paragraph 218 of the Financial statement of the Government of India for 1906-1907, you will find that it has been necessary now to assign to the Government of the new Province a half share from all sources of revenue out of the fifteen districts. Had they remained with this Province and a half share of their land-revenue, excise, assessed taxes, &c., been handed over to this Government, every pice of it might have been given back to these districts in the shape of works of public utility. I would not detain the Council with figures which your Government furnished me with last year, disclosing the appalling rate of mortality and the decline of population, that have been noticeable for some years past in some of the districts in the Rajshahi Division. Yet I would mention that in the last Sanitary Commissioner's Report for undivided Bengal, the Dinajpur district stands first on the death-roll for fever, and Rajshahi comes next. Had we remained undivided, there was some hope for us. But now that we are cut adrift from the old Province, all hopes for the betterment of our lot are lost. Not only will the surpluses of our districts go now to contribute to the increased cost of a newly organised Administration, but even our prospective gains from a $\frac{1}{4}$ share more of our land revenue, &c, will also be frittered away for other purposes. So far as I can make out from a comparative study of the abstract of accounts of both provinces, the cost of central administration in the new Province has gone up under 'General Administration,' 'Police,' 'Law Courts,' besides some other minor heads and stating in round figures we may fairly put down the total increase at about 10 lakhs a year, that is, to the extent of the estimated surplus from the 15 districts. This also agrees with what was stated by the Secretary of State as the estimated cost.

"I do not here take into consideration the 30 lakhs of lump grant given by the Government of India to the Government of Eastern Bengal and Assam: this to meet the initial expenses of partition.

"The Assam Administration has all along had a half share of its revenue for the management of its provincial affairs, but still it could not get on without an annual assignment of 12 lakhs from the Government of India. Now that a half share from all sources of revenue from the partitioned districts has been made over to the new Province, the Government of India have in consideration for it withdrawn from Assam the annual grant of 12 lakhs and have made an annual assignment of a *minus* quantity of nearly $6\frac{1}{4}$ lakhs. So it is apparent how the larger share of revenue made over to the new Provincial Government also practically becomes lost to us. So financially, Bengal as it was, is now loser by about 20 lakhs of rupees a year and that on account of the increased cost of central administration consequent on the Partition. Has the price that we are annually called upon to pay for this Partition gone in any way to increase the efficiency of Government on either side of Bengal? The less is said the better of the measures with which Sir Bamfylde Fuller has inaugurated his rule in Eastern and Northern Bengal.

"I would invite the attention of the Hon'ble Members of this Council to a remark at page 25, Schedule A, column 6, paragraph 3, of the present Provincial Financial Statement where it is stated that the increase under the head of 'Law officers' of the Crown 'in the revised estimate (*i.e.*, for 1905-6) is under charges for conducting law suits.' This is, I presume, to some extent due to our fighting the battles of the new Province. A litigious tendency either in a Government or in individuals is always very deplorable.

"I may here remark in passing that the observation in Your Honour's Minute on Partition, dated 6th April 1904, that the lawyers have opposed the Partition out of self-interest, is wholly without foundation. Professionally

they as a class have been and are likely to be more benefited than prejudiced by the Partition. But the love of lucre can never wipe out the moral nature in communities although it may in perverse specimens of human nature. The lawyers of this country are all men of education and of good social status in the country, and they have all along opposed the Partition even against their own self-interest because they regard it as prejudicial to the interests of their own people and country.

"Now that I have made good my point, that we have been financially the losers to no inconsiderable extent by the Partition, I shall proceed to offer a few observations with regard to the general administration of this Province as disclosed by the Financial Statement.

"I must offer my congratulations to your Government for the contributions of Rs. 75,000 to the Monghyr Municipality for water-works and Rs. 25,000 for the Bhagalpur water-works in addition to Rs. 40,000 given last year. But at the same time I must express my regret that no portion of the Budget provision of Rs. 3,60,000 made last year has been made over either to Rampur Boalia for water-works or to Rangpur for drainage. Similarly the sum of Rs. 20,000 budgeted last year for drainage at Berhampore seems to have lapsed. In this case it may be due to no scheme having been got ready in the course of the year, but I know that was not the case either with Rampur Boalia or with Rangpur. I know it of my personal knowledge that schemes for the water-works and the drainage referred to, were ready when I met the Sanitary Engineer of this Province at Rangpur in the middle of June last. The Chairman of the Rampur Boalia Municipality and the Vice-Chairman of the Rajshahi District Board approached your Honour's Government at Darjeeling for obtaining the grant, but I am sorry to say that they were unsuccessful. It is, however, assuring to find that the lapsed grant to the Berhampore Municipality re-appears in the next year's Budget.

"It pains me, however, greatly to find that the claims of Nadia, one of the unhealthiest districts in this Province, have again been overlooked. Referring to the Resolution of Your Honour's Government, dated the 18th of January of this year, on the Administration Report of the Presidency Division for the years 1900-1901 to 1904-1905, I find the following observations:—

'The general health of the Division was not satisfactory, the year 1902 being particularly unfavourable. The number of deaths recorded in that year was no less than 295,961, or 39·2 per mille, while in one district, Nadia, it reached 50·64 per mille, and in Jessore 42·66 per mille. Fever was responsible for the largest number of deaths, while cholera was prevalent in one part or another of the Division in every year of the quinquennium. In Nadia, Murshidabad and Jessore the rates of birth per thousand of population decreased, while those of deaths increased with the net result that in Nadia and Jessore the number of reported deaths exceeded that of births. This occurred in Jessore in every year of the quinquennium, and exhibits a lamentable record of the vital energies of a people sapped by fever and of the general unhealthiness of the district.'

"The answers that the Hon'ble Municipal Secretary to this Government gave me last year and this year go to show that the health of Nadia is by no means any better than that of Jessore. Under such circumstances I think that the health of the district of Nadia is deserving of as anxious care as that of Murshidabad or of Jessore. These three districts of the Gangetic delta are in fact the unhealthiest areas amongst the territories under your Honor's charge. I have lived in two of these districts and am fairly acquainted with the third. It is a matter of common experience that the chief cause of their unhealthiness is the want of good drinking-water. The defective drainage of the country, too, is no doubt a contributory cause of malarial fever. But the drainage of the Gangetic delta which has been deteriorating for a number of years with the decay of its river system cannot be remedied in a day. We can do a great deal, however, by improving the sources of water-supply. Most of the people of this country do not live in municipal towns. Contributions for better water-supply in municipal towns are good in their way, but they do not reach the people. What is urgently needed to save the people from the ravages of cholera and malaria is a supply of good drinking-water of which there is a dearth all over rural Bengal.

"I have no pretensions to professional knowledge. But the perusal of Captain Rogers' Report has confirmed my experience of malaria-stricken districts, that areas within them which have a good source of water-supply are comparatively immune. I commend to your Honour's attention the following

extract from Captain Rogers' Report embodied in the notification from the Municipal Department of the Bengal Government, dated the 7th of July 1900—

'The most striking exceptions to the rule that the areas at a distance from the river bank have a high spleen-rate is that of Maniktalla, and the eastern portions of Chitpur-Cossipore between the Grand Trunk Road and the railway, both of which, together with the rest of the last named, have the lowest rates of all. Moreover, they are the most water-logged of the whole area under consideration, both the ground water-levels of the cold weather and rainy seasons having been the highest recorded; so that it is evident that there must be some other factor to account for their marked immunity from malaria. This is certainly not the absence of the malaria-bearing mosquito, for it was in the first-named place that they were found during the minimum fever season to be more widespread than has hitherto been reported from any part of India. The only possible factor which remains is the water-supply, and it is noteworthy that these two water-logged municipalities are the only ones which have a full filtered water-supply from the same source that Calcutta itself is supplied by. That this is the true explanation is borne out by the very low spleen-rates of certain wards of other municipalities which have a partial filtered water-supply from various mills, as also of the wards of South Dum-Dum and Baranagar which border on Cossipore, from whose standpipes some of their inhabitants were obtaining filtered water.'

"So of all preventive measures for malarial fever that of rural water-supply in Bengal should take precedence over all others. Any attempt for the extermination of malaria-bearing mosquitoes in Lower Bengal would be 'utter folly' in the opinion of Captain Rogers. Bengal, which abounds in pits and pools, furnishes a good culture-ground for various varieties of mosquitoes, some innocuous, others anopheles of the type which propagate malaria. So, the expert says, 'great circumspection is required' for the destruction of anopheles in Lower Bengal, and any indiscriminate attempt to annihilate mosquitoes in tanks and pools would be 'so much money thrown away as far as malaria prophylaxis is concerned.'

"As for the other remedy, namely, the filling up of pits and hollows, which Bengal abounds in and of which the railways have contributed by far the largest number, this is also a physical impossibility. The capital we have invested on earthwork in our railways we cannot sink back again into the pits and hollows. Even if we were reckless enough to risk that, where would we get the earth to fill them without making fresh pits and hollows? At any rate we may increase the number of culverts along the railway lines and take care not to dam up water-courses to make a saving in the construction of suitable bridges.

"So ultimately the least costly and the most urgent of the preventive measures for malaria reduces itself to the question of a supply of good drinking-water to our people.

"If we are asked where we are to get the money, I would point to items of expenditure such as the contribution of one lakh and thirty-eight thousand for filling up a portion of the tank at Dalhousie Square and for returfing it. If we indulge less in æsthetic experiments of the kind, we can surely afford to supply reserve tanks of drinking-water in rural areas. Next I would for a moment draw your Honour's attention to the enormous sums of money that are being locked up or wasted annually on works of no public utility, under the head of non-recurring expenditure. Two years ago the Tramcar Depôt and adjoining land was acquired by the Bengal Government at a cost of 9 lakhs for the housing of its highly paid officials. I do not think that Government is at all justified in investing tax-payer's money in house property except in places where no houses are available for its officers to live in. As investments, the officers' quarters are likely to prove unprofitable in the hands of Government. They can at the most deduct 10 per cent. out of the salary of their officers and that only when these officers come down from the hills and reside in town during the cold weather months. The rents realized on this scale would hardly yield 2½ per cent. on the capital outlay since we know that Calcutta house property when occupied for a whole year yields not more than 5 per cent. I would suggest the resale of the land and the appropriation of the sale-proceeds for our more urgent sanitary needs. Last year's budget put down 9 lakhs more for officers' quarters at Howrah and Burdwan and this year's too Rs. 3,90,000 again for officers' quarters, &c., at Howrah. Of these sums only a small portion is intended for jail buildings. The annual drain in the successive

provincial budgets on account of the proposed removal of the Presidency Jail from a healthy locality to a less healthy one is also a wholly unjustifiable waste. Not only have we paid heavily for the provincial partition, but we have also to pay 4 lakhs as the price of land and building for the division of the Midnapore district into two. Such schemes can surely wait but not the dearth of good drinking water. I do not also understand why we should invest Rs. 50,000 for the Judge's House at Gaya, Rs. 33,000 for the Judge's House at Darbhanga, and Rs. 81,000 for the purchase of bungalows in Cuttack. If the Government think that Judges should not live in houses owned by private persons, then I would suggest that Government should take lease of houses from private individuals and sublet them to their officers. On no principle of economics can the State be justified in blocking up taxpayers' money in the acquisition of property even if it be with an eye to its rents or profits. Every pice of taxpayer's money left after defraying the costs of administration ought to be paid back to the community in works of public utility, and their sanitary needs should be assigned the first place amongst them. Their educational needs come next. But here again we regret to find that almost the whole of last year's Government of India grant for Primary Education has been set apart for buildings. The rural people who live in huts do not require masonry buildings for their school rooms. Thatched bungalows can be provided at a much less cost and will be equally suitable for such purposes.

"I must thank you, Sir, not only for the various allotments that you have made in the present Budget, for the improvement of hospitals and in aid of educational institutions, but also for the improvement of water-ways in Bengal. The grants of Rs. 75,000 for the Bhairab-valley drainage and of Rs. 4,50,000 for a suction dredger, besides Rs. 3,90,000 for the latter in the revised estimate, testify to Your Honour's desire to help us in this direction. Such sums of money spent for the improvement of the water-ways in Bengal are not so much money thrown away but repaid to the people in benefits of many times their value. I am glad that the question of the improvement of the water-ways of Bengal has received now the attention of the Secretary of State and the Government of India. Let us hope that the assurances given by Sir Denzil Ibbetson on the day of the Budget discussion in the Viceregal Council will be given effect to before grass grows underneath our feet on the river-beds of Bengal. I see that the improvement of the Bhagirathi and the Tolley's Nala is already being considered. Let us hope that these two schemes may not exhaust all our energies and resources. The Gorai which has been fast silting up within the last five years deserves urgent attention of Government.

"I was told by the Hon'ble Secretary of the Public Works Department last year that in dealing with the rivers of Bengal we must remember that we would be dealing with vast forces of nature and therefore, he suggested, we should pursue a policy of inaction. I was very much surprised to hear an Engineer talk to us in that strain. Every student of applied sciences is taught at school that the object of such scientific knowledge is to turn the forces of nature to the services of man. The vaster are such forces at the command of any country the greater is the fund of its potential wealth. I am sure that the Hon'ble Member made those observations last year in a moment of indiscretion, and I have no desire to make much of it. I would, however, invite his attention to a very interesting paper read before the Society of Arts by our late Public Works Secretary, Mr. R. B. Buckley, on the 15th of February last, and published in the journal of the Society on the 2nd of March.

"I need only add that if a current could be maintained along the Bhagirathi and the Jalanghi which drain the Murshidabad and Nadia districts and along the Mathabhanga, the Kumar and the Gorai, which drain the Nadia and the Jessore districts, it would not only increase the facilities of inland transport, but would greatly solve the problem of drinking-water-supply for men and cattle and also vastly improve the drainage of the districts. Any money spent on such schemes will trebly repay itself in health, wealth, and contentment of the people concerned. The ghastly Administration Report of the Presidency Division would probably then become a thing of the past. There need be no apprehension on account of our State-owned railways. These water-courses

will serve as feeder-roads to them and, as I observed last year, will surely go to increase the traffic along them. The railways are owned by the State in Germany, and during the last thirty years they have spent 22½ crores on their water-ways. During the same period only 7½ crores have been spent on navigable water-ways in all India. By recent legislation in Germany a further sum of 25½ crores of rupees has been sanctioned for further improving the facilities of water-transport. I see, therefore, no reason why we should not spend as much of our provincial resources as may be available, for the improvement of our water-ways instead of blocking them up in unprofitable brick and mortar We should also ask the Government of India, so far as it is beyond our resources, to undertake the improvement of our water-ways out of borrowed capital.

"I will take this occasion to express our alarm at the allusion made by the Financial Member of the Governor-General's Council to the question of a railway cess for guaranteeing local lines.

"I have the experience of a proposal of a railway line that came up before the District Board of my home district and for which pressure was put on the members of the Board to agree to the giving of a guarantee. If the members had yielded to the pressure, I know that it would have been a sad day for the Board. For then it would have had no money left by this time to carry on its ordinary work. If Local Governments are empowered to levy cesses for railway lines, the responsibilities of the District Boards would be far less and they may launch themselves in schemes which may benefit only a few but would be a source of burden to the toiling *raiyats* of the district. When the Hon'ble Mr. Baker is anxious to relieve us of the Public Works Cess or, at any rate, to surrender it to us for our local needs, of which he gave indications in his Budget speech, I would beg of him to put the idea of a local railway cess out of his mind altogether. A cess of this kind is bound to be exceedingly unpopular and irksome to the people of Bengal.

"I notice with pleasure that the Government of Bengal proposes to start a Central School of Weaving at Serampore, and that it has set apart a lakh of rupees besides the grant of Rs. 35,000 from the Government of India, for the purpose. The art of weaving had a great past in Bengal and let us hope that it will have a great future. I am somewhat familiar with the weaving industry in Bengal and have reasons to believe that with improved methods and appliances the weavers of Bengal will be able to hold their own even against the power looms. But I must express my regret that only a special school falls far short of our requirements in the direction of technical training. We are in urgent need of such training in this part of India and why should not the Government establish in this city a polytechnic after the up-to-date European or American model? If the Government is in earnest about it, I know of individuals who will gladly contribute or co-operate.

"The *Swadeshi* movement in Bengal is chiefly confined to three things. The first is cloth, and I may inform this Council that the *Swadeshi* has given a greater impetus to the weaving industry of Bengal which has been struggling against foreign competition for many years past. Since the start of the *Swadeshi* movement I have been to many places in Bengal and everywhere the weavers, both Hindus and Mahomedans, who were before this almost starving assured us that God had at last given them food. So any one who did not support the *Swadeshi* movement, be that Government or individuals, will be sinning against both God and man.

"The second article against which the movement is directed is foreign sugar. The countervailing duty has failed in its object. But the Hon'ble Financial Member of the Governor-General's Council in his Financial Statement for this year, in para. 90 observes that the aggregate annual yield of raw-sugar in India is from 4½ to 5 million tons and that the imports of foreign sugar, both cane and beet, in 1904-05 represent considerably less than one-tenth of the local products. The people were not acquainted with these figures, but their action shows that they have an instinctive insight into these matters. The countervailing duty has now failed and the only course left for the Government is to see that the *Swadeshi* movement is kept up in full vigour in the interests of India. If these 5 million tons of sugar or any very material portion of it be driven out by foreign competition it would throw many more millions of men out

of occupation. The condition of the Bengal date sugar industry is in a very pitiable plight. It was a thriving industry within my memory. The Government of Bengal ought to inquire and take steps to revive it. In any other country the Government would not sleep over such facts. If a school of chemical technology is established in this city, among other things, sugar refinery on the most scientific and economic lines may be taught to our people. I do not see any reason why even beet sugar cannot be manufactured in Bengal where the soil is good for anything that people would care to grow on it.

"The third item is salt. Bengal used to consume its own salt before Lord Clive made a monopoly of it in the interests of the Civil Service and to prevent corruption amongst its members. But those days of the Civil Service are gone. I do not wish to take you through all the vicissitudes of the salt industry in Bengal. But I know that Government was not very long ago contemplating the revival of salt manufacture in Bengal. This is the most opportune moment to do so. It will not be wise or politic to defer it even in the interest of English manufacturers. The examination of the Commercial Statistics shows that since 1890 Hamburg, Aden and Red Sea salt has been fast cutting into the English salt trade. The figures of 1903-4 show that the import from Hamburg, Aden and Red Sea ports almost equals that from England—in each case it being 5½ millions of maunds. It is stated in the last Financial Statement of the Government of India that the people of Bengal are using very little of European salt. Under the circumstances it can serve no useful purpose to continue to sink the Indian consumer's money into the Red Sea. If the Salt Department of Bengal will confine their activities not only to punitive measures but would also devote their time and energy to the reviving of the salt industry in Bengal it will benefit the Government and the people alike. When the people of the Madras and the Bombay Presidencies consume their own salt, it is a hard lot, that we should be condemned to import salt from across the seas. It is an error to suppose that people can be tutored to contraband articles of prime necessity of life by individuals. They have a legitimate grievance in the matter of salt and the Salt Department of Bengal and that is why the people of their own motion have included salt among the commodities that they would prefer to procure locally. I may suggest to the Hon'ble Member for the Board of Revenue that he should consider the scheme for the introduction of the pan-system of salt manufacture in Bengal. This may put into the pockets of the people of Bengal a crore of rupees and also go to swell considerably the salt revenue.

"Lastly, I may mention that cigarette-smoking was developing into a regular vice amongst our youths. We must all be thankful to the *Swadeshi* movement for stamping out at one stroke this growing vice from amongst them. The *Swadeshi* movement has thus done what America has been trying to do for a number of years by local legislation.

"The *Swadeshi* instincts of the people of Bengal are quite correct and deserve every support from the Government.

"In conclusion, I cannot help expressing my regret that a member of the Civil Service has been appointed to succeed Sir Alexander Pedler, as the Director of Public Instruction, in disregard of the persistent opposition of educationists in this province. I must not be understood to make any personal reflections against Mr. Earle. But there can hardly be any doubt that the supersession of the superior claims of many capable members of the Educational Service is likely to operate to the prejudice of that service.

"I cannot but also express my regret at the issue of a recent circular by the retiring Director of Public Instruction for the establishment of a closer connection between Magistrates and heads of colleges and schools. Such circulars, as recent experience has shown, are always a source of friction between Magistrates, teachers and students, which is certainly not conducive to the interests of education.

"The Magistrates may be better employed in exercising supervision over the Police. If they are charged with such duties, they may be relieved of their judicial functions. The lakhs that are now being spent annually for the

so-called police-reform might be saved to the Indian taxpayer, and the much-needed reform known as the separation of the Executive from the Judiciary may be carried out at a considerably less cost to the State.

"We have had enough of police and magisterial meddlesomeness with our boys of late, and it will not be to the interests of the State or of the boys to perpetuate executive interference with our schools and colleges. Boys are boys all over the world, and, as in other countries, they should be left to the care and control of their guardians and teachers."

The Hon'ble BABU AMBIKA CHARAN MAZUMDAR said:—"Your Honour—Before I say anything about the Budget I think I owe it to myself to acknowledge with gratitude and respect the concession which Your Honour has so generously granted to us as regards the time allowed for the consideration of the Budget. I had to complain last year about the shortness of time usually granted for the purpose, and the Government has this year allowed us full two weeks' time to study the Budget in all its details. I hope and trust this salutary change will form a precedent for all future Budget discussions in this Council.

"Sir, it was about this time last year, when the Budget was taken up for discussion, that I had the temerity to say that for most of us the discussion possessed only an academic interest. Little did I dream at the time that for some of us, at all events, that interest would, within a period of 12 months, be reduced to a historic one. A great change has taken place in the meantime. Your Honour's satrapy has been shorn of little less than one-fifth of its territories and more than one-third of the population that owned its sway. Its magnitude, its importance, its pride and its grandeur must now all be things of the past, while Your Honour will probably be reckoned as the last Lieutenant-Governor with whom the historian will close that chapter in the history of Bengal under Lieutenant-Governors which is illuminated with the brilliant record of a galaxy of administrators beginning with Sir Frederick Halliday. Here drops the curtain over the progress and development of a growing nation, and here breaks a glorious tradition of the proudest service in the world. Divested of all the historic seats of Hindu and Muhammadan greatness, cut off from the historic associations of centuries past and stripped off of nearly three-fourths of the Bengalee-speaking people, the Government of Bengal is now essentially a misnomer. Your Honour has, like the fringes of an old garment, cast away a people who have vainly struggled to cling unto your Government. Whether that people were a source of real strength or of weakness to your Government time alone will prove. The truth, however patent on one side or the other, will not probably be admitted in the present disturbed state of the country. Your Honour wanted relief, and relief has been granted to Your Honour; but the fact remains that this has been done at the sacrifice of the cherished interests, hopes, sentiments and associations of the people committed to your charge. It is to be regretted that while there were many methods of carrying out a most unpopular measure, the one that was most irritative, most retrograde and most disturbing found favour with the Government. It would be idle to disguise the fact that it has given a rude shock to the confidence which the people have always reposed in the sense of justice and fairness of British statesmen and administrators, and as a consequence there is feverish excitement all over the Province. In spite of all the efforts to cry it down, the feeling underlying that excitement is gradually deepening and spreading far and wide into the country. From my anomalous position in this Council I understand I have no right to voice forth the grievances of those whom I am supposed to represent in this august assembly. But although it has to be acknowledged with a sense of relief and gratitude that repressive methods have not been generally countenanced by Your Honour's Government, injudicious arrests and ill advised prosecutions, even of students, have not been wholly unknown in this Province also. How far the present state of things may be conducive to good government either in this or in the other Province, and how far the remote consequences of the methods employed to allay the present excitement may be justified on even administrative grounds, must be left to the verdict of the next generation. It has, however, to be presently admitted that the [redacted] arrangement has been a source of not a little financial

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embarrassment to this Government. Most of the expensive institutions, whether educational or otherwise, have fallen to the share of Your Honour's Government. Whether they will ever have their proper counterparts in the other Province is more than one can foretell at the present moment. The Supreme Government having divided the Province into twain was obliged to make provision for feeding two mouths with the earnings of one. It has accordingly been obliged to surrender a portion of its surpluses and to raise the provincial shares under certain heads of revenues; but this was hardly sufficient to meet the extraordinary requirements, and the old, orthodox, mysterious 'expansion of revenue' has been largely called into requisition to make the two ends meet. These enormous surpluses in the Imperial revenues have been to a large extent responsible for many an extravagant project and mischievous activity in this country. The increase of the Indian army and the consequent punitive expeditions, such as the Tirah expedition and the Tibet mission, were all due to the itchings of these superfluities. The Argonautic Expedition, undertaken by Sir James Westland for the introduction of gold currency, also owes its origin to these surpluses; and now they have accomplished another conquest—the conquest of East and North Bengal by Assam. The Budget before us is a proof positive of the fact that but for a surplus of 130 crores of revenue it would have been an impossible feat even for the strong Government of Lord Curzon to divide Bengal. But what about the bold, refreshing statement which Mr. Brodrick was led to make about the extra cost of the Partition? Ten lakhs, or properly speaking, about 12 lakhs would be the cost of the various offices and establishments only. Much more would be required to keep the two Administrations going. The present Budget itself shows that the Imperial Government has surrendered about a crore of its revenue to keep up the Bengal Government as a living Administration, and at least one-quarter of that sum must have been provided for the new Province also. It is now evident why the financial aspect of the Partition question was never made public, and how the equanimity of the Government never disturbed in hurrying the measure with such indecent haste in the teeth of a frantic opposition of the people. But, however complacently has the able Financial Secretary tried to submit to his half rations and heave a sigh of relief that it was not worse, it is perhaps not difficult to perceive that he was not altogether insensible of the pinch. Sir, we have had ere this prosperity Budgets, as well as adversity Budgets. We have heard of bread-and-butter Budgets also. But to-day we have met to discuss the mutilated Budget of an emasculated Province. May I still venture to express the hope, however extravagant or unreasonable that hope may appear to be in certain quarters, and however much the light may have at last dawned as an inspiration upon the Bengal Chamber of Commerce to reveal to the blind world the future benefits of the Partition, that should an opportunity yet present itself, Your Honour's sympathies may be enlisted on the side of healing the bleeding wound that has been caused in the heart of the Province which had been committed to your care and protection.

"At the outset it appears to be somewhat remarkable that while the Province has lost nearly one-fifth of its territories and more than one-third of its population, its revenues, as shown in the budget before the Council, have not suffered a proportionate diminution. In the budget of 1905-06 the total revenue was estimated at Rs. 5,60,00,000 with an expenditure of Rs. 6,00,00,000. In the present estimate the revenue stands at nearly Rs. 5,00,00,000, while the expenditure is put down at Rs. 5,20,00,000. On examining the various heads of receipt it would appear that in land revenue there is an increase of about 53 lakhs; in assessed taxes the estimate is for 23 lakhs, being double the assessment for 1905-06; while in excise there is an excess provision of nearly 3 lakhs over the estimate of the last budget for undivided Bengal. Similar overestimates are observable under several other principal sources of revenue in this budget. It would be interesting to learn how these results have been obtained. Deducting even the 5 lakhs on account of survey and settlement charges in Purnea and Ranchi, and taking into account the increased share allowed under the present settlement, there still remains a very large excess in the estimated land revenue for which no explanation is given in the statement, save and except a vague assertion that

larger collections are anticipated from Government estates. It would, however, have been more intelligible if it had been clearly stated how much of it was due to the generosity of the Government of India and how much to the elasticity of Indian revenues. In the case of excise we are simply told that the estimate allows an excess of 4½ lakhs, and that the provincial share has been raised from $\frac{7}{16}$ to $\frac{8}{16}$ or ½. Of course the able Financial Secretary has given his own calculations; but let us broadly test the results by another process. In the budget of 1905-06 for undivided Bengal the sanctioned estimate for excise was Rs. 75,91,000. Add to this $\frac{1}{16}$ of this revenue under the present settlement and we get Rs. 80,65,000. But this would ordinarily represent the revenue for the whole of Bengal as it stood before the Partition. Deduct one-third of this, or about 27 lakhs, for the severed districts, and there ought to remain Rs. 53,77,000 for new Bengal. Even allowing for a normal expansion, as it is called, of 4½ lakhs, the total revenue ought not to exceed 58 lakhs. Thus it will be observed that whereas in 1905-06 the estimate for whole of Bengal was Rs. 75,91,000, in the present budget the estimate for new Bengal alone is put down at Rs. 78,50,000, while the population which furnishes the revenue has fallen off by over 20 millions. Then, again, the revised estimate for new Bengal, after readjustment of territorial jurisdictions between the two Provinces, including the actuals for the first 6½ months of the severed districts and the last 5½ months of Sambalpur, amounted to no more than Rs. 73,67,000. It is perhaps not difficult to understand how this has been levelled up to Rs. 78,50,000. It will be observed that a considerable portion of this overestimate is made up of very large enhancements allowed in the probable receipts under every minor head of the Excise revenue. Then, as I understand, 4½ lakhs was the normal expansion allowed for Undivided Bengal in previous years, and if I am right in this assumption, surely some allowance ought to have been made for the dormant partner. I complained last year about the overassessment of the Excise revenue; and I regret very much that the tendency towards expanding this revenue seems to be insatiable. In this connection I should have liked to know how the contract distillery system introduced in Midnapore last year has worked and how far it has fulfilled the expectations of Government to justify its retention in preference to the central distillery system. As regards the assessed taxes the increase seems to me to be still more striking. In the budget of 1905-06 the estimated revenue was Rs. 12,75,000. I had the honour of drawing attention of Government to the somewhat awkward figures furnished by a return which the Government was pleased to lay on the table. Government promised an inquiry into the matter; but so far as I can see the present budget bears no indication of any effective steps having been taken either to explain or to check the abuse to which the return pointed. So against the 12 lakhs of the last budget we have now got for new Bengal alone an estimate of over 23 lakhs. The provincial share has no doubt been raised to one-half, and this might well give us 23 lakhs for the entire Province as it stood before the Partition. In my humble opinion some remarks were needed to explain away this extraordinary increase. In the details of minor heads of receipts, as given in Appendix A, the assessed taxes find no place, and in the absence of any explanation it seems difficult to judge how far this glowing forecast of increase under this head is justified. I am sorry to have to say that the arrangement of the budget before us does not appear to me to be as satisfactory as it ought to have been. It is the first budget which has to deal with adjustments between the two Provinces and to indicate an equitable distribution of their financial liabilities. Neither the detailed remarks nor the new Appendix C throw sufficient light in this direction. Of course that distribution was in the hand of a higher Government; but where there has been addition and substraction in our estimates, the sanctioned estimates with their distribution, as well as the loss and gain of this Government, might well have been shown under each of the principal heads of revenue. It would then have been possible to judge of the real merits of the forecasts taken in the present estimate. Here I desire to acknowledge with sincere thanks the courtesy with which the Hon'ble Mr. Shirres was pleased to furnish me with clear explanations of certain items in the Budget which appeared to me to be somewhat puzzling. If the Budget had been only framed in the lines of those explanations, which,

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I am glad to find, exactly coincide with the lines which I have indicated in the above remarks, the Budget before us would have been indeed an enimently lucid document. It is somewhat remarkable that very scant notice has been taken of the Partition, although it is undoubtedly the greatest change that has ever taken place in the Administration of Bengal. But perhaps it was either unnecessary or inadvisable to take any very pointed notice of the effect of this change on the financial position of this Government; and so long as there is a vast surplus in the hand of the Imperial Government and there is also the possibility of forced expansion of local revenues, such effects may safely be ignored or discounted. But, Sir, after all I do not quite understand why it becomes at all necessary to make overestimates upon mere assumptions of progressive increase or normal growth of revenues. There are the actuals of the previous year, or at all events of the greater portion of it, and I do not see why it is not possible to take these as the probable receipts in the new budget, and then if there are any increase, or the revised estimate shows any expansion under any head, such increase may reasonably be allowed to swell the estimate in the next budget.

"The reason why I have taken so much pains to complain about this so-called "normal expansion" of revenues is plain enough An overestimate of its revenues by Government necessarily implies an increased demand upon those who are entrusted with the levying and collection of such revenues, and experience has shown that such overestimates have invariably been followed by overassessments. The forecast of every division and every district is increased, and then it becomes incumbent on those who are entrusted with the actual working out of the various taxes artificially to level up their assessments so as to meet the demand of the estimate. Thus the excise revenue has been steadily increasing despite the high duties set upon all excisable articles, and it is thus that the income-tax, in spite of the raising of the minimum taxable limit from Rs. 500 to Rs. 1,000, has suffered no diminution. Have the actual receipts in any year under any of the principal heads of revenue been ever known to have fallen perceptibly short of their probable estimates? If not, what are we to think of a country whose public revenues have such an irrepressible tendency towards expansion that in spite of all the arrangements that the Government has generously provided to curb their overgrowth they must double themselves in 15 to 20 years The people are groaning under the burden of taxation. To my mind it is not so much the taxes themselves, onerous as they are, as the manner in which they are actually administered, that is mainly responsible for this burden, and I feel it my painful duty to say that our budget estimates to a large extent encourage overassessments, with the result that if no new taxes are added every year, the annual increase allowed to those that are in existence practically acts as a substitute, leaving very little room to the taxpayers either for relief or for consolation.

"The first thing that would strike one in glancing over this Budget is that the enormous closing balance of last year, amounting to over Rs. 1,17,00,000, which was due to Undivided Bengal, has been wholly appropriated to this Province. If a proportionate allowance had been made for the severed districts the revenue under this Budget would have been still further reduced. It would be no argument to say that the new Province did not make any claims for a part of this large surplus. That Government may have had enough of consolation of its own not to press even its legitimate claim to a treasure trove; but the money which has been surrendered did not belong to His Honour the Lieutenant-Governor of East Bengal and Assam, but to the people of East and North Bengal; and, as such, a fair share of this opening balance ought to have been credited to their account. Here, again, the dominant partner has had his advantages over the dormant partner. Another feature of the Budget also seems to me to be rather disappointing. It will be noticed that while the revised estimate, which is a more correct index to actuals, shows a net improvement of over 8 lakhs on the side of revenues, on the expenditure side it shows a net decrease of over 28 lakhs. This evidently means that while the receipts have gone on increasing, several of the important projects upon which Government was congratulated at the last Budget have been left unaccomplished, or if at all taken up in hand, have been imperfectly carried out. Thus we find the promised increase of Munsifs and Deputy Collectors, whose numerical

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strength has long been found to be extremely inadequate, remains unrealized; about 7 lakhs of the allotment for the improvement of the Police have been saved; and over 9 lakhs of the provision for the Education Department have been left unexpended; and last of all, what about the poor, hard-worked and ill-fed Ministerial officers? About 4 lakhs was provided in 1904-05 for relieving their hard lot. Nothing was done within the year; and in the next Budget it was reduced to about 2 lakhs. Then came the Partition which swept away the prospect of about a third of these unfortunate people; and now in the present Budget, the item has quietly slided down to Rs. 1,50,000. The Government was repeatedly pressed for a solution of this question; but all that it could say was that the scheme was under the consideration of the Government of India. Surely the grant of a few rupees increment to the salaries of a number of clerks was not a more complex question than either the Army organization, or the Partition scheme; and yet both the latter have long become accomplished facts, while the former yet suffers from indefinite postponement. I have ventured to say all this because I am assured of Your Honour's genuine sympathies for the poor. It is also noticeable that the original estimate of 25 lakhs for contributions to Local Funds was reduced to 23 lakhs in the revised estimate to meet the pressure of other departments, while the estimate in the Budget under consideration is still less, the allotment being reduced to 19 lakhs. In this connection I would invite Your Honour's attention to the grievance from which Bengal suffers as regards the Provincial rates. In Bombay, Madras and most other provinces the whole of these cesses belong to the Local Boards. In Bengal, however, strictly speaking, not even one-half is credited to the District Boards. The Hon'ble Mr. Baker from his place in the Supreme Council, referring to this very subject, said: "I shall be very happy if within my term of office it should be in my power to redress this injustice to the province to which I have the honour to belong." The District Boards of Bengal have been long pronounced to be successful and have proved themselves to be very useful adjuncts to the general administration, but they are mostly hampered in their work for want of sufficient funds. May I, as a representative of some of these local bodies, venture to express the hope that before Your Honour lays down your high office it may be your proud privilege to redress this wrong to the province which Your Honour has been called upon to govern.

"As regards the various expenditure they, as a rule, follow the receipts, and I do not consider it necessary to dwell upon them very minutely. I, however, regret to find that the wholesome provision made last year for an Additional Judge in the High Court for inspection work has been eliminated from the present Budget. I should have liked to know what agricultural improvements Government contemplates to undertake with its improved allotment under the present settlement and what provision has been made in the Budget for that purpose. Out of Rs. 2,62,000 provided under Land Records and Agriculture, Rs. 1,67,000 have been specially allotted for the maintenance of the records in Orissa and Sambalpur and Rs. 27,000 for superintendence. With the small balance thus left for district charges, it may still be possible to initiate some agricultural improvements, notably the establishment of a few experimental farms for the cultivation of cotton in selected areas within the Province and the distribution of cotton and other seeds among *bonâ fide* cultivators. It appears that provisions that have been made in the Budget for the division of one of the bigger Divisions and one of the bigger Districts into two. This was precisely one of the methods suggested by the public and the press for the relief of the Government of Bengal; but the proposal which apparently then failed to carry weight with the Government seems now to have found favour with it; so that now that the Partition of the Province has been effected, the partition of the Divisions and of the Districts has quietly begun.

"Another point to which I would draw Your Honour's attention is the water-supply and sanitation of the Province. I am far from suggesting that the matter has never received the attention of Government, for it has from time to time made grants for drainage works and also advanced special grants for water-supply in urban areas. There are several such grants in the present Budget also. What I contend for is that the subject should form one of the chief planks in our Budget programme, and not confined to mere spasmodic

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efforts of a desultory character. If Government is really anxious for the well-being of the people committed to its charge, as I trust it really is, it cannot be satisfied with simply throwing these burdens on crippled District Boards on the one hand and on strained and unsympathetic zamindars on the other. Strangely enough the rivers of a deltaic Province are visibly deteriorating and the mortality among men and cattle increasing. A thorough investigation ought to be made into the subject. The causes should be thoroughly diagnosed and the proper remedies laid down to be applied in a systematic manner. It is only then and not till then that the Government can successfully cope with the increasing scarcity of water-supply and increasing insanitation of rural Bengal. The attention of Your Honour's Government was also drawn to the Railway embankments and the reckless bridging of water channels by the Railway Department. Sir, it may be easy to silence people with laconic replies, but surely they cannot be expected to satisfy them. There may or may not be any real connection between the development of railways and the development of malaria and the scarity of water; but as there are so many striking coincidences, something more than the *ipsi dixit* of railway engineers would be required to reject the popular theory altogether. I find that the question which was raised in this Council was incidentally referred to by one of the Hon'ble Members at the Budget discussion in the Supreme Council, while Your Honour is reported to have said that the Government of Bengal may be relied upon to give an adequate consideration to the subject. I take it therefore that the assurance which Your Honour's Government lately gave in this very Council, that it is looking forward to an expert investigation into the matter, may prove to be the inauguration of real sanitary improvement in this Province.

"Turning to education, it is no doubt satisfactory to observe that the expenditure under this head has been yearly increasing; but it has to be noticed that the grants-in-aid have been reduced by Rs. 50,000 from the revised estimate, and that while the lump provision in the preceding Budget for Primary Education was Rs. 10,00,000, the provision in the present estimate for Primary Education *and* other educational schemes amounts to only Rs. 2,97,000. There is no increase in the allotment for University Education, while the allotment for Direction shows an increase to the extent of nearly Rs. 10,000, although it cannot but be admitted that the Director of Public Instruction in Bengal also has had his fair share in the relief which has been brought about by the partition. Provision has been made in the Budget for an additional Professor of Sanskrit in the Presidency College. Nothing, however, is said as to the nature of the work which this Professor will be required to perform. It was rumoured at first, and is practically admitted to-day in Council, that this additional Professor will be a European and not a native of India. If the object be to impart classical knowledge of the Sanskrit language I cannot conceive of a more grotesque idea than this. What would have been thought of a proposal for the appointment of a Indian Professor to teach either English or Latin in the University of London, although "Babu English" may not be half so ridiculous as "Shahebi Bangalee" or "Shahebi Sanskrit"? Besides, a country that has produced Sanskrit scholars like the Rev. Dr. K. M. Banerji, Dr. Rajendra Lala Mitra, Pundit Iswar Chandra Vidyasagar and Professor Krisnakamal Bhattacharya, not to speak of the host of erudite Pundits of the old school, may not be unreasonably curious to know what European *savant* could be obtained on Rs. 500 a month to teach Sanskrit better than my esteemed friend Professor Kali Prosono Bhattacharji or Mohamohopadhyaya Hara Prasad Shastri? European articles are not so cheap—no, not even of Manchester. If, however, the object be to open something like a chair for Sanskrit researches, I would hail the project with all the warmth I possess, although I must confess that even in that case I would find that warmth somewhat damped by the inadequate provision made for the purpose. Sir, before leaving the question of education, I feel constrained to make one observation with regard to the latest development of the Educational policy of Government. The circular recently issued by Sir Alexander Pedler, which aims at complete subordination of the Educational officers to the executive authority, is a distinct retrograde step in the history of the Educational administration of this Province. The stock argument of increased interest and improved efficiency, which has been so

frequently used in carrying out retrograde measures, has been the burden of Sir Alexander's plea for this dangerous innovation. He admits that "as education becomes more and more developed and technical, as has been the case in Bengal, there is more need of more expert supervision of the *purely educational aspect* of school work. Hence the details of courses to be studied and the critical inspection of the work of the schools must remain with the expert educationist." But, says Sir Alexander, at the same time the *more general aspect* as to distribution of grants and prizes and the general arrangement would in his opinion "be best controlled by the local executive authorities." Now to those of us who have not had the benefit of Sir Alexander Pedler's instructions, education has always had but one aspect, and that aspect is educational and educational only. Sir Alexander Pedler has however just realised that there is another aspect of it which he guardedly calls the "general aspect." But he has evidently overshot himself; for his elaboration of this aspect and the laboured defence he has put forward for executive control in matters of education leave little room for doubt that, paraphrased into plainer language, that aspect means nothing but a political aspect. Is there any single instance on record where our Inspectors of Schools have failed to control the general arrangements for Primary or Secondary Education, or to justify the assumption that the District Magistrates are better qualified than the Inspectors of Schools to control the arrangements of the Educational institutions? Sir Alexander was himself an Inspector before he became Director. Did the present revelation dawn upon him at any time previous to the eve of his own retirement? The Civil Service may be good for anything in this world, but I frankly confess that I am unable to appreciate how inexpert Civilians are better qualified to control education than expert educationists. It is a curious irony of fate that while the people have been crying hoarse for the separation of the Judicial from the Executive functions, Government is step by step tightening the hold of the latter over almost all departments of the State. Ere this we have had a circular emanating from this Secretariat which has taken away the independence of the Judges and subordinated the Judicial to the Executive officers, and now we have a further usurpation by the latter in the domain of education. Octopus-like the executive function is spreading its tentacles to seize and swallow every branch of the administration. The direction of education has passed on to the Civil Service, and probably it is in the fitness of things that the minor concerns of education should also be transferred to that service. Sir, a recent Government circular, directed towards preventing school and college students from participating in political demonstrations, laid it down that the schools and colleges should not be permitted to become the "centres of political activity." Sir Alexander Pedler has anticipated the people and has converted the Government schools into political nurseries though of an opposite creed placed under the fostering vigilance of the local officers of the Executive Government. Sir Alexander Pedler has rendered his last service to Government; but I am afraid it will prove a positive disservice not only to the cause of education which he has so long represented in this Province, but also to that great department in which he passed his whole career and to which he may be said to owe his greatness. Sir Alexander has verily kicked the ladder behind him. Idle curiosity may still be tempted to look for an explanation why the learned Director, who was leaving the country so shortly, could not leave such an unpleasant matter for his successor-designate? Whatever that explanation may be, opinion will not be wanting to associate this innovation, rightly or wrongly, with the change that has lately been introduced in the Direction of Public Instruction in this Province.

"Sir, there are two points, however, in this Budget upon which I am glad to be able to congratulate Government. These are the abolition of the Zamindari Dâk cess and the provision for the establishment of a Technical Institute in Bengal. As regards the first, I have only to observe that it was not only an anachronism, the zamindars having been long relieved of their postal duties, but in its actual operation this tax was a fruitful source of hardship and oppression upon them. Repeatedly had its abolition been prossed both in this Council as well as in the Press; but the prayers then made fell upon heedless ears. The credit now belongs to the Government of His Excellency, the

Earl of Minto, to remove this long-standing grievance, and I am glad that both Your Honour as well as the Hon'ble Mr. Hare were in fulls ympathy with the long-deferred relief granted to the landed interests. As regards the Technical Institute, it has also been a crying demand of the people for a long time, and the Government must be congratulated upon the wise step it has taken not to be left behind by that people. One word, however, has to be said as regards the allotment. In Bombay, where the textile industry has already made some progress, the Government of India has allotted Rs. 1,67,000, while in Bengal, where a beginning has to be made, the grant is not more than Rs. 35,000. I do not grudge Bombay her good fortune; but I cannot refrain from saying that the arrangement looks somewhat like carrying coal to Newcastle. I am glad Your Honour's Government has supplemented this small grant with an allotment of a lakh of rupees from the Provincial revenues. It has, however, to be noticed that while provision has been made as regards Bengal, the new Province of Eastern Bengal and Assam, which is said to be on an equal footing with the sister-province of new Bengal, has been wholly ignored. Probably it may be said that here Bengal still continues to be undivided, and the school at Serampore may be taken to serve the purposes of both the peoples so long as some circulars or resolutions may not ordain otherwise. The difference and disparity between the two Administrations have long been anticipated by the people. They have already manifested themselves in more directions than one; and as time passes on they must be more and more marked and felt by the people.

"Sir, one point more and I have done. The Partition is said to have relieved the Government of Bengal. May I inquire if this does not include the Bengal Secretariat also? If the relief to the Lieutenant-Governor means anything, it must mean the reduction of works in the Secretariat. I do not understand why the Revenue Department of the Secretariat cannot now be amalgamated with the Board of Revenue. The Board of Revenue in Bengal is a fossilized institution which should have been long extinct like the Dodo In Bombay and Madras, which are temporarily-settled Provinces, they are well able to manage with either the Revenue Commissioners or the Revenue Board; but in Bengal, which is a permanently-settled country, both these costly subinfeudations of the Revenue Department are being maintained at the cost of the tax-payer. And as fate would have it, this has been again reproduced in the new Province. If relief was needed for the Government, was no relief due to the people also? Then with a civilian Director of Public Instruction, the General Department of the Secretariat is almost sure to be reduced to a mere Post Office in matters educational. The partition has opened a vast new pasture for the Civil Service; and can we not trust it with the generosity of parting with at least one of the fat berths upon which it has fed so long? Government is said to be anxious for economy. True economy lies here and not in the reduction of petty establishments of clerks and peons and in curting down contingencies for goose-quills and blotting papers. I hope Your Honour will see the justice and fairness of reducing at last one of the Secretaries of your Government.

"Your Honour, I have so long mainly indulged in the criticism of the Budget, although that criticism has been directed more to its general policy than to its actual details with the corrections of which none of us I suppose can have any quarrel. I am, however, anxious that I may not be taken to be wholly insensible of the many good points in the budget. I have already referred to some of them, while many more have been pointed out by those of my colleagues who have preceded me. The tact and ability with which the Hon'ble Mr. Shirres has handled a difficult Budget under exceptional circumstances are truly admirable, and I yield to no one in this Council in my sincere appreciation of his great achievement."

The Hon'ble Mr. C G. H. Allen said:—"Your Honour—I must express my regret at the absence of the Hon'ble Mr. Nalin Behari Sircar who represents the Corporation upon this Council, but I am not sorry that the intervention of the Hon'ble Babu Bhupendra Nath Basu gives me an opportunity of repeating in public, what I have more than once ventured to tell him in private, and that is, Sir, that a satisfactory solution of the Municipal problems of Calcutta is not likely to be attained without the co-operation of the best of

her citizens. Sir, I have no hesitation in saying that the Hon'ble Member would be better employed, in assisting in the deliberations of the Corporation than in criticising them in this Council. So long as Achilles sulked in his tent, we are not told that he was allowed to take part in the councils of war, and we may easily guess the sort of reply he would have received from Agamemnon had he ventured in the Council Chamber to criticise the conduct of the siege. Far better would it be for the rate-payers were the Hon'ble Member to come forth from his tent and help us in the battle we are waging against dirt and disease.

"In answering the Hon'be Member, Sir, I cannot help feeling struck by the inutility of discussing Corporation matters in a Budget debate in this Council Chamber. Here we are condemned to an academic and infructuous discussion, whereas in the Corporation suggestions are translated into motions and oratorical displays lead to resolutions. No doubt a budget debate affords the only opportunity for criticising the administration of the Local Government, but Municipal affairs are discussed *ad nauseam* in open meetings and it seems, therefore, to me wanton cruelty to weary this Council with a *rechauffé* of our interminable debates.

"I shall follow the Hon'ble Member's example in passing rapidly over the subjects of water-supply, lighting, conservancy and road repairs. I am satisfied that steady progress towards improvement is being made in all these matters, and the note of humorous exaggeration in the Hon'ble Member's remarks renders it unnecessary for me to examine his observations in detail.

"The drainage of the fringe area is a need of long standing and one which is admitted by the Corporation, though the Hon'ble Member's description of the heavy comparative mortality of this tract is scarcely borne out by the facts. Thus, for the five years ending in 1904, the average mortality in the fringe area was 38 per *mille* as compared with 37·5 in the town proper and 36·2 in the Suburbs. Similarly, the rate of mortality from fever was 6·7 per *mille* in 1905 in the fringe area as compared with with 6·8 in the Suburbs and 4·3 in the town, while dysentery and diarrhœa were little more fatal in the fringe area than in the town proper, the recorded mortality being equivalent to 2·8 per *mille* in the fringe area as compared with 2·3 in urban Calcutta and 5·0 in the suburbs. A scheme has been prepared by the Engineers for draining this area on a combined system, but this project is very costly (the estimate exceeding Rs. 30 lakhs) and the Government has now been asked either to admit overflows from the new sewers, or the storm water from this area, into the canal. I understand that the Bengal Government has appointed a committee to consider this question from a sanitary point of view. If one of these alternative courses is approved by Government, it will be possible to pass the sewage into the Circular Road sewer and the cost of the scheme will then be reduced within practicable limits.

"The Hon'ble Member has asked me to consider whether a lower rate of percentage should not be allowed to residents in the fringe area. Under section 151, provise 3, the Chairman is authorised to take a lower percentage in the case of buildings occupied by the owner under such exceptional circumstances as to render a valuation of 5 per cent. on the cost of construction excessive. I do not think that general insanitary conditions would be a legitimate reason for taking a lower percentage.

The Hon'ble Member argues that the levy of court fees upon appeals in the Small Cause Court against assessments results in the virtual denial of justice to the poorer ratepayers. The figures do not support the Hon'ble Member's contention, and there is no evidence to show that the scale of fees has affected the number of appeals.

"The Hon'ble Member has drawn attention to the method of assessment of residential houses in Calcutta. The reason why a different principle was introduced in assessing residential houses from that followed in thecase of rented houses, is that it was found in practice impossible to determine in the case of a large number of residential houses, what the proper letting value should be. The proportion of residential houses is about 40 per cent. of the whole number of houses in Calcutta, and the Indian community are opposed to living in rented houses, with the result that in the case of those houses which are leased out, rents rule extremely low. Consequently, prior to 1888, residential houses

in Calcutta were under-assessed to such an extent, as, in the opinion of Sir Henry Harrison, to constitute a grave scandal, the annual value frequently representing as little as 2 per cent. upon the cost of construction. As Mr. Baker observed in Council during the debate upon the Bill which is now the Calcutta Municipal Act, 'it was a scandal that the class of houses owned by many of the wealthiest members of Calcutta Society and by a large number of middle class people, and by hardly any of the poorer class, should be habitually under-assessed.' The present method of assessment of residential houses at a percentage of the cost of construction was adopted in 1888, to remove this scandal.

"The Hon'ble Member is of opinion that we spend too much money on supervision, but this is not a topic which can be dealt with usefully by general assertion. It is a matter for detailed consideration of the quantity and quality of the supervising staff in each branch of the administration, and no such examination can be attempted in this Council Chamber. I can assure you, Sir, that I am fully alive to the financial danger of swollen Establishments, and am constantly on the watch for opportunities to effect savings in this direction. The recent elections have drawn further observations from the Hon'ble Member. I am personally of opinion that the machinery for the registration of voters' names has been made too difficult and I am proposing a simplification of the procedure. This does not involve the amendment of the law, but merely the modification of a schedule by a notification of Your Honour's Government.

"To me, Sir, the horizon looks brighter. The anticipations of the critics of the present Municipal Act that the Corporation would exercise no authority and would enjoy no power, have been falsified in a remarkable degree. The complaint now appears rather to be that Municipal work is too engrossing. The business is of a character to give scope for the highest ability and energy, and those who possess these qualities and yet refuse their assistance in the conduct of affairs must be prepared for the criticism that they are failing in their duties of citizenship.

"The Hon'ble Mr. Nimmo refers to the valuation of vacant lands in Calcutta which he thinks are not assessed at proper rates. The Hon'ble Member has been kind enough to forward for my consideration particulars of two cases upon which he relies in support of this view, and I have examined them carefully. I venture to think that the Hon'ble Member's complaint arises from a misconception of the law under which unoccupied lands are assessed. In one of these cases for instance, a piece of unoccupied land had changed hands for Rs. 68,000, and the Assessor had valued it at Rs. 1,728 only. The Hon'ble Mr. Nimmo is of opinion that the land should be valued at not less than 5 per cent. of the market value, and he draws the inference that the assessment in question is only about half what it should be. Under section 151 (a) of the Municipal Act, however, the annual value of land is the gross annual rent at which the land might reasonably be expected to let *from year to year*. Now, while it may be admitted that 5 per cent. upon the market price of land would be a reasonable rent to charge a lessee for a long lease which would enable him to utilise the land to the best advantage, it is clear that the rent so calculated would be excessive if the land were leased only from year to year. A tenant holding under such conditions would not be able to put up any substantial building upon the land and could not, in fact, utilise it to the best advantage. In such cases the value of the land is practically the rent which the owner of a bustee can hope to recover from the tenant who builds a hut upon it. I have not considered the further point as to whether any amendment of the law is desirable, for I do not understand that the question is raised by the Hon'ble Member."

The Hon'ble MR. RICHARDSON said:—"I am fresh to this Council and have only recently taken over charge of the appointment which I have the honour to hold. I do not propose therefore to detain the Council long and trust that Hon'ble Members will forgive any deficiencies in what I am about to say.

"Turning first to the Judicial Department I think that the most important question which has been raised relates to the conditions under which officers of the Subordinate Judicial Service hold their posts. The question has been

referred to incidentally by the Hon'ble Babu Ambika Charan Mazumdar and with greater emphasis by the Hon'ble Babu Jogendra Nath Mukerjee and the Hon'ble Mr. Syed Shurfuddin. I may remind Hon'ble Members that the Subordinate Judicial Service was reorganized in respect of its grading so recently as the year 1902, and that additions to the staff of Subordinate Judges and Munsifs, both temporary and permanent, have from time to time been made as necessity arose, at the instance of the High Court. It has not always been possible for the Government to meet every requisition for an increase in the staff with an easy affirmative, but proposals made by the High Court have always been carefully, respectfully and sympathetically examined and what could be done has been done. I do not quite follow the Hon'ble Babu Ambika Charan Mazumdar when he speaks of the 'promised increase of Munsifs.' I do not think any promise was held out last year. In view of the concessions made in 1902, at an annual cost of about one lakh of rupees, it has been considered that the time is not ripe to approach the Government of India in regard to the pay to which Munsifs in the different grades are entitled, but as I intimated in answer to a question which was put at the last meeting of this Council the Government has under its consideration certain proposals for improving the conditions of service as regards the rules, regulating leave and pension. Enough has been said to show that the interests of the Subordinate Judicial Service have not been forgotten. I cannot admit that the body of Munsifs are dejected, or that if there is any feeling of dejection among individuals the feeling is justified I may add that a Munsif who shows ability and capacity in the discharge of his duties has now the prospect not only of being appointed in due course a Subordinate Judge but of entering the ranks of the Provincial Civil Service and holding a district charge in a capacity to which as I conceive very important and responsible duties are attached.

"In regard to the Hon'ble Mr. Shurfuddin's suggestion that the system of trial by jury should be extended to other districts in Bihar besides Patna, I am not prepared on behalf of the Government to give any pledge. The proposal is one which would require mature consideration before it was adopted, and as at present advised the Government do not think that it would be advisable further to extend the jury system in Bihar.

"The cry that the Judicial Branch of the Civil Service to which I belong has been subordinated to the Executive Branch is in my humble opinion a factious one which has grown stale by much repetition. Till recently I was a District Judge and speaking in that capacity, I have never felt that my independence of mind and judgment was fettered or interfered with in any way. Outside the sphere of their judicial duties, Judges in India as in other countries must necessarily be very much in the same position as their fellow citizens. They can hardly claim to be above the law and the constitution. Nothing to my knowledge has been done which encroaches on the powers, privileges and immunities of judicial officers as such under the law.

"The same Hon'ble Member, and I think others, have tracked the Executive monster of their imagination into the Education Department. I should have thought that a closer connection with education and educational aims and ideals would tend to soften the harsh and rugged features of the District Officer as he has been depicted.

"Before leaving the judicial aspects of administration I should like briefly to refer to the creation during the year of the Darbhanga Judgeship, and to the provision now annually made in the Budget for residences for Munsifs (Rs. 50,000 last year and Rs. 40,000 this year) The provision of houses for the District Judges of Gaya and Darbhanga was, in the opinion of the Government, justified by the necessities of the situation in those districts. The investments as the Hon'ble Mr. Chaudhuri is aware are not unprofitable.

"The allotment in the Budget for Civil Works for the current year includes a lakh of rupees for the extension of the High Court.

"Turning to education, it is a source of gratification that the provision made in the Budget for Educational purposes has been so well received. The generosity of the provision cannot be denied. The revised estimates show an expenditure of Rs. 31,17,000 from Provincial revenues and Rs. 12,20,000 from District Funds, or a total of Rs. 43,37,000 on Education in the past year. The Budget for the current year is 53 lakhs, including 12 lakhs, from

[*Mr. Richardson.*]

District Boards, but not including the special grant of Rs. 6,35,000 for the construction of a Model and Engineering College at Ranchi.

"Exception has been taken to the reduction which the figures seem to show in the amount allotted for grants-in-aid. But in point of fact there is no reduction. The provision of Rs. 8,20,000 made in the Budget for 1905-06 was for undivided Bengal. The sanctioned estimate for Bengal proper was Rs 7,27,548. The revised estimate appears to include expenditure which has been met from other sources, including a grant of Rs. 30,000 from Imperial funds for Colleges. The budget provision for the current year may be taken to represent the normal provision under this head (seven lakhs) together with a grant from Imperial Funds for Colleges amounting to Rs. 80,000.

"There is also some misapprehension as to the savings effected last year in respect of funds marked for Education. The figures appear to show, as one Hon'ble Member has said, that the savings aggregate 9¼ lakhs. But the figures are misleading, for the reason that a considerable portion of the ten lakhs grant for primary education has been expended through the medium of the District Boards on grants for primary school buildings. For account purposes this expenditure has not been shown as provincial but as local.

"The reduction in the corresponding grant for the current year, as shown in the budget (from ten lakhs to Rs. 2,97,000) is again only apparent. A new settlement has been made with the Government of India. A portion of the original grant (Rs. 3,33,000) has been transferred to the new Province. As to the balance, that has been included in the total assignment for education under the new settlement. The grant in other words has been incorporated in the settlement.

"As to the expenditure of these grants or a portion of them on school buildings, I think that the Hon'ble Mr. Chaudhuri has failed to appreciate the many advantages, moral and physical, social and sanitary, which substantial and well-ventilated schools are likely to confer.

"It is a pleasure to find that the scheme for establishing a Weaving School at Serampore for the furtherance of technical education has been welcomed with a chorus of approval The Government of India have agreed subject to the consent of the Secretary of State to bear the recurring charges for this institution amounting roughly to Rs. 35,000 per annum, and the Local Government has been able to provide the lakh of rupees required for non-recurring expenditure. The Government originally contemplated that the money required for the latter purpose should be raised by public subscriptions, but endeavours to obtain funds in this way proved infructuous. An Hon'ble Member has compared the grant from Imperial funds for the current year with the grants made from the same source to certain institutions in Bombay. But in the first place, so far as I am aware, the Bombay grants are lump sums and not recurring grants, and in the second place Hon'ble Members must bear in mind that the Weaving Institution about to be started is a new departure on experimental lines. It is hoped that it will receive sufficient support and encouragement from the public to make it a success and that it will lead to greater things. But I do not think that the Government can do more than act as a pioneer in this matter. Much remains for private liberality and I was glad to hear of the scheme foreshadowed by the Hon'ble Mr Chaudhuri. I may refer to the fact that during the year a new scheme of Commercial Education has been introduced into the Presidency College, Calcutta.

"Important questions affecting rural and primary education will, it is anticipated, shortly come before the Government. The Hon'ble Mr. Shurfuddin may rest assured that the report of the Committee of which he was a Member has not been lost sight of.

"The Hon'ble Babu Jogendra Nath Mukherjee has drawn attention to the large grants for College education, general and technical. The grants include one lakh for the Patna College scheme and Rs. 75,000 for establishing a Training College at Bhagalpur. In connection with his general remarks, while I sympathise with them so far as I can follow their drift, I can only say that I think it will be for the people of this country to use the educational facilities placed at their disposal to the best advantage. The spirit of self-help and the capacity of combining for commercial purposes are products of time and it is

unwise to attempt to force the pace too much. The question is one of moral and material progress.

"I agree so far with the Hon'ble Mr. Shurfuddin that education is, if not the most important, at any rate one of the most important functions of a modern Government, following close behind such functions as the defence of the country from external enemies and the maintenance of law and order within its borders, so that life and property shall be secure. But it is well not to lose sight of the prime necessity for that security. We are all of us so much accustomed to peace and order that they are sometimes taken for granted.

"I think that much has been done in the cause of education since the British came to the country. Large schemes like free primary education which come easily from the lips, are at present impracticable. They cannot be introduced without increasing taxation to an extent for which the country in the present stage of its industrial growth would not be prepared.

"As regards the agency by which education is conducted, I think the Hon'ble Babu Bhupendra Nath Basu could hardly deny the necessity under existing conditions for a European staff, and that being so, as a question of business, you must arrange for terms which Europeans will accept. After all their number is not large, and after all education in this country has been nursed and fostered into vitality by Europeans. The question of the Sanskrit chair in the Presidency College with which I dealt in answer to a question, has been referred to again, and I understand dissatisfaction has been expressed at the possibility of a scholar coming out from Europe. But I thought I heard something said about the Republic of Letters, and the cosmopolite character of the scholars profession.

"The interests of the Provincial and Subordinate Educational Services have not been forgotten. The scheme for improving those services has been sanctioned by His Majesty's Secretary of State and will involve an additional annual cost of about two lakhs of rupees. This Government is now in correspondence with the Government of Eastern Bengal and Assam in reference to certain details. It is hoped that it will be found possible to introduce the scheme at an early date. The question of the date from which the scheme should take effect, is under consideration. While on the subject of establishment, I may mention that proposals to strengthen the inspecting staff, superior and subordinate, are being considered, and that Sub-inspectors of Schools have been transferred from the control of District Boards to the Education Department.

"A proposal to restore the value of senior and junior scholarships to the amounts at which they previously stood, was last considered in 1904. The proposal was vetoed for want of funds but the matter will no doubt receive the attention of the Director of Public Instruction, though on the materials before me I can make no promise on behalf of the Government.

"Attention has been paid during the year to the condition of Students' hostels and messes and a new plan is being tried in Calcutta. A number of houses have been hired and placed under the supervision of an Inspector of Messes. The Government is doing what it can to encourage the growth of the residential or hostel system.

"As to the Oriental Library at Bankipore, a grant for the cost of printing the first volume of the catalogues of Arabic and Persian manuscripts, estimated at Rs. 2,500, has been met from the educational budget for last year. Scholarships have also been given to the Muhamadan scholars who are engaged in compiling the catalogue.

"I have nothing more to say except that I hope that as much progress will be made in the year just opened, as in the year which has just closed."

The Hon'ble Mr. INGLIS said:—"Your Honour—I wish to offer only a few remarks on some of the questions and arguments which have been brought forward in this debate relating to the departments which I have the honour to represent.

"The Hon'ble Babu Jogendra Nath Mukerjee has put to us the question whether, *if* irrigation brings certain evils in its train and *if* the Railways and raised roads all over the country restrict the waterways and interfere with

the drainage, is it not the plain duty of Government to work out a scheme which will remedy these evils. Well, Sir, here of course everything hinges on that little word 'if.' With respect to irrigation, in my opinion it is undoubtedly the case that where, as on the Sone Canals, rice has taken the place of other crops requiring less water or not requiring irrigation at all, there is some increase in sickness which we call in a general way malarial fever. This may be due to a rise in the level of the sub-soil water or to other causes, but whatever the cause I believe it to be a fact that you cannot have a purely artificial cultivation of rice on a large scale without some bad effect on health. This question has been fully dealt with in Italy, where canal irrigation has been practised for centuries. Legislation restricting rice cultivation goes back to 1575, when it was altogether prohibited within certain distances of inhabited places. There has been much further legislation, an account of which is given in Colonel Baird Smith's work on Italian Irrigation. It seems hopeless to find any hard-and-fast solution. Colonel Baird Smith wrote:—'The agricultural proprietors are in direct opposition to the Government. Means are invariably found first to evade all the rules the latter may issue and in the end to compel the regulating authority to recognise such evasions by sanctioning what it has proved incompetent to prevent. The cultivators of rice have, with every new law, secured the occupation, as it were, of a new province; and the whole history of the progress of the sanitary legislation of irrigation in Northern Italy has been a record of success-ful encroachment on one side and vain efforts at repression on the other.' As far as I can judge, if we were to try to restrict by law the extent of artificial rice cultivation in Bihar, our experience would be much that of Italy. The cultivation is valuable and certain, and the desire for gain, which we all share, is stronger than the desire for health when coupled with want. In Orissa, where there has been no material change in the nature of the cultivation, irrigation does not appear to have had any bad effect on health. The matter of percolation from the canals is one which has received attention, but which perhaps deserves more, and it may be practicable by a system of open drains to reduce the water-logging, of which there is in places a certain danger. I do not mean to say that I think that the irrigated tract on the Sone Canals is particularly unhealthy, but it is right that we should keep in mind the dangers to health which must attend an artificial wet cultivation. On the other hand, the canals give a good supply of drinking water, and by some this is held to be of more importance than drainage in combating malaria. Turning to the question of railway and road banks, I here challenge the 'if' by a direct negative. I say that there is no general interference with the drainage by roads or railways. I do not say that there may not be in some cases local interference. Where there is, it is not a difficult matter to put right if specific facts are brought forward; but a sweeping indictment that the works of irrigation and railways constructed by the State divert and interfere with the natural drainage of the country and the outflow of its waters generally, can only be met by contradiction and does little to help to do what we all desire, which is to put right such isolated cases as there may be of interference with drainage.

The Hon'ble Member is pleased to describe the Magra Hât drainage scheme as a comparatively small project. Well, Sir, as it provides for the drainage of 290 square miles of country and will cost about 20 lakhs, I cannot, while welcoming this large-minded view of local works and local responsibilities, but wonder what sort of drainage scheme would satisfy the Hon'ble Member on the score of extent and cost.

The Hon'ble Mr. Chaudhuri has said that in last year's debate on the financial statement, I advocated a policy of inaction in dealing with the Rivers of Bengal. He expresses his astonishment, but he is however good enough to say that, as I no doubt said what I did in a moment of temporary aberration, he will not deal too severely with me. Well, Sir, this is very kind of the Hon'ble Member, and I am much obliged to him, but at the same time I am afraid I must state that I adhere to the views I expressed last year, which were not formed in a moment of indiscretion or aberration, but deliberately and after much consideration. With your permission, Sir, I will repeat the brief remarks I made on this subject last year. I said: 'the Hon'ble Mr. Chaudhuri has drawn attention to the necessity for works of sanitary drainage. He has particularly

drawn attention to the necessity for removing shoals at the heads of dead or dying rivers, so as to cause the flow from the parent stream to again enter on them. I think, Sir, we are all agreed that this is an ideal to be desired. I am, however, afraid that in the vast majority of cases it must remain an ideal. In dealing with rivers, such as the Ganges and the Brahmaputra, we are dealing with forces of nature on a vast scale. The beds and banks of these rivers are of an extremely changeable nature. It is almost impossible, except at an enormous outlay, to hold permanently any fixed position. If, owing to the action of natural forces which are beyond our control, a parent river chokes up the head of one of its branches and opens out another in a different part of the country, we may endeavour to remove the shoal at the head, but we have, I think, no guarantee that we shall be able to prevent that shoal reforming almost at once.'

"Now this deals only with one phase of the treatment of the rivers, viz., with attempts to alter the course of nature. Speaking very generally, the position, as I conceive it, is much as follows: The Ganges having done a certain work in the formation of that part of its delta in which Calcutta is situated, by means of the Bhagirathi or other similar channels, moved further east, and in conjunction with the Brahmaputra is now performing a similar work in the direction of Chittagong. The consequence is that the original outlet channels from the Ganges to the sea situated to the west of the Gorai have more or less closed up and only now carry water in the flood season. In the course of time, when sufficient work has been done in the formation of land at the east of the delta, outlet channels in the west will doubtless again open. What I said last year and what I say now is that, if we try to alter the course of nature, we have very little idea what the result of our operations may be. Take the case of the Bhagirathi. It is of course quite possible to excavate a channel in its bed by means of large and expensive dredging plant. But what will be the result? Will this channel remain as we make it? Will it at once close up again and leave us to reopen it every year, or will nature accept our lead and, taking matters out of our hands, enlarge the channel we have started to an extent we never contemplated? Such things have, I believe, happened in other places. If it does and if the accumulated sand in the bed of the Bhagirathi comes into the Hooghly and into the Port of Calcutta, and if the Bhagirathi brings down more water than that the Hooghly at Calcutta can carry, I ask what will then happen? I think it is only a very bold or a very rash person who will venture on any prediction. I therefore say that great caution is necessary in attempting such a scheme. It is fairly safe to assume that, when problems, such as the relief from devastation by flood of the country between the Damoodar and the Roopnarain, and such as the reopening of the Bhagirathi, which have been considered time after time for many years, remain unsolved, it is because they are very difficult if not incapable of satisfactory solution. I do not say, and I never have said, that we should do nothing, but I do say that before we start operations we require to know with some precision what it is we hope to effect. I am not usually by any means a pessimist, but I think that the question of the improvement of our natural waterways is more difficult than is generally assumed. It is a commonplace to talk of the magnificent waterways of Bengal, but this always seems to me to be the language of exaggeration. The Ganges is a river with numerous shoals with a moving bed and with unstable banks, and for nearly the whole of its course without a stone or pebble to build with. Still there is doubtless much that can be done if money is spent. The canal from the Bidyadharee to the Hooghly must, I think, come. Here we know exactly what we want to do, and it is a mere question of £ *s. d.* Again it is comparatively simple to dredge through the shoals of the low water channel of the main Ganges, and we may have a moderate hope of being able to maintain a channel in the dry season for inland vessels either in the Bhagirathi or the Jellinghee. Such measures will be useful for navigation. I do not think that they can have the good effect on sanitation, which the Hon'ble Mr. Chaudhuri seems to expect. I speak subject to correction, but I imagine that at present there is always sufficient water in the beds of the Nadia rivers to provide a supply for drinking to the people on their banks, and the drainage of the country will not be affected in any way.

[*Mr. Inglis; Mr. Carlyle.*]

"The Hon'ble Mr. Nimmo urges the importance of cheap transport. I may say that on the Orissa Canals and on the Orissa Coast Canal we have, in the last few years, materially reduced the rates of toll with satisfactory results on the volume of traffic. We are just about to reduce the rates on the Nadia rivers, and I hope before long to ask the Lieutenant-Governor to sanction a reduction on the Midnapore Canal. Personally I should like to free the Nadia rivers of tolls altogether, but financial considerations require that this should be done gradually. The question whether waterways generally should be maintained at the cost of the general tax-payer instead of at the cost of that section of the community which makes direct use of them is one which is fast coming to the front. It is an Imperial question, and there will no doubt be a good fight over it. The Railway interest in India is strong and will oppose, and if the general tax-payer realizes that he is asked to pay for facilities of transport to be used by others, he will, I have no doubt, object also.

"The Hon'ble Mr. Nimmo has suggested that it may be desirable to have a special department for the control and improvement of the rivers. I am entirely in agreement with the suggestion. I think that there should be a special corps for this work under the Government of India. The question both in its engineering and financial aspects should be viewed from an Imperial rather than from a Provincial standpoint. It is quite impossible for the local staff employed on the ordinary duties of the Irrigation Department to give proper attention to the rivers, and our present cadre is too small to admit of our detaching officers to make the special inquiries, which are the essential preliminaries of any practical scheme. If I may add a small suggestion on my own account, it is that the river development should come under the Department of Commerce and Industry. I take it that the Department of Revenue and Agriculture is the right one to deal with irrigation, which is an adjunct to Agriculture, and that the Department of Commerce and Industry should deal with all transport problems, whether by land or water.

"The Hon'ble Member has referred to two matters connected with the Port of Calcutta, with respect to which I have a few words to say. The first is with reference to the Hospital Port dues. I am authorised to say that this due has been reduced, with effect from the 1st of the present month, from 9 pies per ton to 6 pies per ton, or by one-third. This will give relief to the shipping to the extent of from Rs. 45,000 to Rs. 50,000 a year, and will bring the receipts approximately into equilibrium with the expenditure.

"The other point is the desirability of a second steam Pilot cruiser. I have only to say that in the Marine Department we consider that the need for this has been fully established in order to improve the efficiency of the service. At the same time financial considerations may not permit us to order the construction of the second cruiser for a little time."

The Hon'ble Mr. Carlyle said:—"Your Honour, attention has been drawn by some Members of this Council to the savings under the head of Police, and it has been assumed that the whole of these savings come out of the provision of 12 lakhs for reforms recomended by the Police Commission. As a matter of fact, this is not the case. In the first place, nearly 3 out of the 12 lakhs properly belonged to districts transferred to the other province but were not taken away by the Government of India. A saving of just over a lakh is due to the fact that no increase of pay has yet been been sanctioned by the Secretary of State for the superior cadres consistng of District Superintendents and Assistant Superintendents of Police. A little over Rs. 75,000 could not be spent owing to increments of pay not being given so soon as was estimated in our original forecast. We proposed to recruit 226 Sub-Inspectors, but we were obliged to do so in two batches, and these batches drew only Rs. 25 against Rs. 50 in our estimate. Finally, there was an average of somewhat over 600 vacancies all the year round in the rank of constables. This gave a saving of Rs. 46,800. The savings out of the special grant were unavoidable as we did not receive sanction during the year to proposals which would have enabled us to spend the greater part of the balance. The money that was granted has not lapsed but has been added to the balance at the close of the year and will be available for police buildings or other purposes connected with the police. The Government of India

has, in addition to 9 lakhs, the allotment due to this province as now constituted exclusive of the districts transferred to the Government of Eastern Bengal and Assam, alloted this year an additional 4 lakhs, or a total of 13 lakhs. It is proposed this year to increase the cadre of constables by 1,000 at a net cost of Rs. 66,000. It is proposed to add 200 head constables to the cadre at Rs. 15 a month each. The total cost comes to Rs. 36,000. We also propose to increase the cadre of Sub-Inspectors by 100. This will cost Rs. 60,000. We propose to add 20 to the cadre of Inspectors. This will cost approxmately Rs. 36,000. The pay of sergeants has been revised, and the cost of the revision of their pay will come to a little over Rs. 7,500. All constables will get an increase of Re. 1 to their pay in first class districts, 1,941 men have already got it and the balance are to get it this year. In the Criminal Intelligence Department, Inspectors, Sub-Inspectors, head constables and constables are to receive an allowance of Rs. 50, 30, 7, and Rs. 3 respectively. The cost is Rs. 16,920. A number of officers are to receive grade promotion at a cost of Rs. 21,600. It is proposed to add 4 officers to the cadre of District Superintendents, to create a grade on Rs. 1,200, and to abolish the Rs. 600 grade, making the minimum pay of the District Superintendents Rs. 700. This will cost Rs. 91,800. A grade on Rs. 500 will be created for Assistant Superintendents. This, with the re-distribution among other grades, will cost nearly Rs. 34,500.

"I am glad to be able to inform the Council that we have just received sanction from the Government of India to one of perhaps the most important recommended by the Police Commission, viz., the appointment of Deputy Superintendents of Police. We have got sanction for the immediate appointment of 8 Deputy Superintendents; 4 of these men will be recruited from the ranks of Inspectors, while 4 men will be appointed from outsiders, either from the ranks of men now in Government service as Sub-Deputy Collectors and Deputy Collectors, or from men who have as yet held no Government appointment. This will cost about Rs. 22,500.

"In Calcutta, the changes made in connection with the recommendations of the Police Commission have been as follows:—

"The minimum pay of all Indian constables has been raised from Rs. 8 to Rs. 10, and an increment of Re. 1 has been allowed to all men who have drawn salaries not exceeding Rs. 11 for three years. The minimum pay of head-constables has been raised from Rs. 12 to Rs. 17-8. Inspectors and Sub-Inspectors are now given a conveyance allowance.

"Under Bengal Act VI of 1905, the Superannuation Funds have been closed and no cuttings are now made from the pay of police-officers towards their pensions.

"Some additions have been made to the Suburban thana force and to the Detective Department, and the number of European Sergeants has been largely increased. A good many new head constables are also to be appointed. An Inspector from another province has been brought into the Detective Department. This a matter of some importance in consequence of the number of foreigners in this city; and in course of time other Inspectors will be added to the Detective Department to enable us to deal more readily with criminals coming from other parts of India.

"During 1905-06, over Rs. 13,000 was added to recurring expenditure under the above heads. The increase of recurring expenditure will come this year to about Rs. 1,42,000, as the expenditure will have to be incurred for the whole year and not for a few months only.

"I desire to draw the special attention of the Council to the development during 1905-06, of the Provincial Criminal Investigation Department, the establishment of Constables' Training Schools, and the very successful results of the new system of appointing Sub-Inspectors. As regards the Criminal Investigation Department, it has been in existence in embryo for some time past, but there has been a great development during the past year. As a third Deputy Inspector-General has not yet been sanctioned, Mr. Knyvett, Deputy Inspector-General of Police, was placed on special duty in connection with the Department. It has dealt with gangs which are

known to have committed 327 dacoities, 2 robberies, and 211 cases of house-breaking with theft not traced until these gangs were run down. In addition to these, it has dealt with a gang of buglars, a robbery with murder by up-country Banpars, and a very important forgery case. It is probably the most important and most successful prosecution in the case of forgery of promissory notes that has yet taken place in Bengal.

"The development of this department has been extraordinarily rapid and every day brings forward additional evidence that the limits of its activity are not likely to be reached for many years to come. We have at last met the organised efforts of criminals by organised police methods, and I hope that organised crime will now cease to make headway.

"As regards constables' schools, it is the first serious attempt that has been made to give the rank and file of the police some training in their duties before they are turned loose on the public. The results this year have been very successful and give great promise for the future. The schools turned out a well set up and well drilled body of men who appeared to know something of the work expected from them. Ultimately, it is proposed to have threee such schools, one for Bengalee speaking districts, one for Hindi-speaking districts, and a third at Ranchi which will also be attended by Uriya-speaking recruits.

"As regards the system of selecting Sub-Inspectors, the result so far has been completely to justify the departure from the old system. The last batch of recruits included one M.A. and B.L., 27 B.A.'s, 3 of whom were B.L.'s, 86 F.A.'s, and 108 men who have passed the Entrance examination. At the final examination only 12 cadets out of 263 failed to qualify.

"It appears to me that the results already obtained show that we may expect in future very much better educated candidates of higher social position for the appointment of Sub-Inspectors.

"As regards the Agricultural Department, the first point to notice is that the Secretary of State has sanctioned the separation of this Department from that of Land Records by the appointment of a separate Director. Mr. Oldham, who was for several months on special duty in connection with the Department, has been appointed Director since the 3rd of April.

"The expenditure during the year comes to over Rs. 4,69,000, or Rs. 20,000 more than the revised estimate. About 2 lakhs of this sum has been spent on acquiring land for the Agricultural College and Farm near Bhagalpur and for the Experimental Farms at Ranchi and Bankipore. At present, there are 4 Experimental Farms of some importance in Bengal, viz., those at Burdwan, Hatwa, Dumraon, and Cuttack. The three former are maintained at the expense of the Burdwan, Hatwa, and Dumraon Estates respectively. The Burdwan Farm has made very successful experiments with bone meal and it is also experimenting in cotton and jute. The Hatwa Farm will devote great attention to trying to improve the local breed of cattle. In Dumraon some of the most important experiments relate to wheat. Experiments so far not very successful have also been made with cotton. This Government has given Rs. 50,000 for experiments in indigo carried on at Sirsa. These experiments appear to demonstrate the great superiority of Java indigo over all other kinds and to give prospects of the successful competition of natural indigo against the synthetic article. This Government has also given grants for jute and for silk experiments. The grant to the Silk Committee has been raised this year from Rs. 6,000 to Rs. 15,000, and over Rs. 10,000 is being spent also on tusser experiments.

"Another important departure is the despatch of students to foreign countries. The actual expenditure for the year, 1905-06 is Rs. 14,925, on account of four students. Two more students are to be sent this year and the expenditure will be considerably higher.

"Every effort will be made this year to push on the building of the Agricultural College near Bhagalpur to develop the farm in connection with the Agricultural College and to start the experimental farms at Ranchi and Bankipore. Rupees 25,000 has been allotted for assistance to agricultural associations which should at present do some of the work, later on to be done by demonstrative farms. The Secretary of State has so far only sanctioned the

appointment of three experts to the Agricultural College, but it is hoped that before the year is over, he will sanction the appointment of other experts.

"The Hon'ble Mr. Syed Shurfuddin refers to Mr. Baker's Financial Statement, in which he remarks:—

'The arrangement at which we desire to aim that no local cesses should be imposed on land supplemental to the land-revenue proper except such as are left by or on behalf of local authorities for expenditure by them on genuine local objects.'

"The Hon'ble Member seems to think that, on the principles thus laid down, the abolition of the chaukidari tax is shortly to be hoped for. Here I must join issue. I should be glad to see the day on which the Government of India could supplement our funds to such an extent as to permit the abolition of the chaukidari tax, but it appears to me to be strictly a local cess levied by local authorities for expenditure on genuinely local objects.

"The Hon'ble Member also asks Government to consider the advisability of introducing the provisions of a summary procedure for the recovery of rents. The Hon'ble Member is no doubt aware that the question of amending the Tenancy Act is under consideration and that the Bill to amend the Act has been submitted to the Government of India. I cannot now state the provisions of the Bill, but if it is passed, I hope it will facilitate the collection by zamindars of undisputed rents.

"As regards the separation of the Patna Division, it is proposed to form one Commissionership north of the river with its head-quarters at Muzaffarpur. The other Division will consist of the Patna, Gaya, and Shahabad districts, with its head-quarters at Bankipore.

"The Hon'ble Babu Bhupendra Nath Basu in the course of his speech has again pressed on our attention the claims of the Sub-Deputy Magistrates to higher initial pay. One of his arguments is that Inspectors of Police and Excise who prosecute criminal cases before them, sometimes draw higher pay than the Magistrates who are trying the cases. I notice that another gentleman, the Hon'ble Mr. Shurfuddin, has spoken in the same strain of the unduly low pay of Munsifs as well as of Sub-Deputy Collectors. It does not appear to be generally known that so far from the scale of pay of gazetted officers of the Provincial Services and Subordinate Executive Services being extraordinarily low in this country, it is on the contrary high, as compared with most countries. This is well known, however, to all who are acquainted with the pay of Government officials in such countries as France and Italy. Unfortunately, I have only been able to get a few figures, but those that I have been able to obtain are suggestive. An Inspector-General in the office of the Ministry for Foreign Affairs in Italy gets Rs. 5,400 a year, a Director of Division of the first class gets Rs. 4,200 a year, a Director of the 2nd class gets Rs. 3,600 a year. A Secretary of the 1st class gets Rs. 2,400 a year; one of the second class, gets Rs. 2,100 a year; one of the third class, gets Rs. 1,800. A Vice-Secretary gets Rs. 1,500 a year. Now, Italy is not an expensive country to live in but it certainly cannot be contended that it is less expensive than India for an Indian. I have given in the above figures a statement for officials in the first class in the Foreign Office. In the third class, salaries go down as low as Rs. 900 a year, or Rs. 75 a month. These officials are not men who are "failed Entrance" or "failed F. A" or "failed B. A." They have mostly gone through a very long and a very severe University course and have passed a stiff examination at the end of it. The Hon'ble Babu Bhupendra Nath Basu places his appeal on the ground that higher pay is necessary to prevent corruption. I think better of the service than he does. All members of the service have now the prospect of rising to at least Rs. 250, and any who do well may expect promotion to the Provincial Service. It is only in their earliest years they draw the minimum pay of Rs. 100.

"As regards the Hon'ble Mr. Nimmo's speech, the question of River Police is still under consideration. The officer who was on special duty in this connection last year had to be recalled to work in the United Provinces before he could complete his scheme. His services have again been asked for, and I hope it will be possible soon to deal with the matter. The final report on this subject may indicate the possibility of doing something immediately in the way of dealing with traffic on the water-routes. I agree with the Hon'ble Mr. Inglis

that probably the control of waterways should be under a special, possibly an Imperial, authority.

"I am gratfied to find that the Hon'ble Member attaches such importance, to the reorganisation of the Agricultural Department. I agree with him that here we may hope, in time, for improvements of the greatest consequence to the prosperity of the province and the well being of the poorer classes.

"As regards jute, the question of adulteration is one of great importance, but also one of great complexity, and this Government is awaiting the report of the Bengal Chamber of Commerce before taking any steps in the matter.

"The Hon'ble Member also suggests that we should take action with regard to our fisheries on the same lines as those adopted in Madras. I may explain that this matter has not been lost sight of; it was at first proposed to await the result of the investigations now being carried on in Madras. As, however, it may be some years before a final report is submitted, it has been decided not to await this but to make independent inquries.

"The question of establishing an aquariam in connection with the Zoological Gardens will be considered.

"I congratulate the Hon'ble Babu Jogendra Nath Mukerjee on the moderation with which he has addressed the Council. His speech is one evidently intended for consideration by the Council and by Government, and not merely for the outside public. I have already explained the failure to spend the full police grant, and I have dealt with the question of the pay of Sub-Deputy Collectors in connection with the speech of the Hon'ble Babu Bhupendra Nath Basu.

"Turning now to the speech of the Hon'ble Raja Ban Behari Kapur, I would notice a suggestion he makes as to the disposal of undrawn sums of money, the accumulation of landlords' fees under sections 13 and 15 of the Bengal Tenancy Act. I have no doubt that after the Bengal Tenancy Act Bill has become law, it will be possible and right for the Board of Revenue to issue a notice to landlords requiring them to withdraw the deposits within a certain time, but Government cannot at present bind itself as to the disposal of the money which may thereafter lapse to its possession.

"As regards the Hon'ble Members suggestion that the number of Government khas mahals be increased by a larger area being brought under cultivation in the Sundarbans and in other districts, money at present is being allotted for this purpose, but the whole matter will have to be very carefully considered. Progress must, in the first instance, be slow, as a great many very difficult questions will arise in connection with this settlement. One, not the least serious, is the question of the effect of bunding up reclaimed lands on the course of rivers flowing past them.

"As regards his remarks on the failure of crops, they have not, on the whole, been very satisfactory, but there has been no such failure as to warrant any expectation that there will be any necessity for other districts to provide for distress from local funds. The situation will, of course, be carefully watched, but at present, I see no reason for alarm.

"With regard to the speech of the Hon'ble Asif Kadr Saiyid Wasif Ali Mirza, the only point I need notice is his reference to the chaukidari tax. I have dealt with this before. I would only remark here that the reduction of the tax cannot be effected by Government very easily. The pay of chaukidars for the province come to about Rs. 50,00,000 a year.

"The Hon'ble Mr. J. Chaudhuri objects to Government paying for the housing of its officials. His criticisms are to a certain extent based on imperfect information as to the scheme before Government. It is only proposed to build residences for officials who live permanently in Calcutta, and officials drawing over a certain pay, such as myself, are not included in the scheme. I believe that there can be no more legitimate way of spending money than in ensuring that its officials are properly housed at reasonable rates. Government has to pay heavily for its officers, and it is very expensive economy if they are unable to live in healthy houses. At present Calcutta rates, this is impossible for any except men on high pay.

"As regards the division of Midnapore, the project is one which I consider to be of great urgency. No Collector, however good an officer, can really do there all the work that a Collector should do. The difficulty has existed for

many years, and, with the growing complexity of Administration in Bengal, it is getting more and more impossible for one officer to manage the whole district.

"With reference to the Hon'ble Member's remarks regarding Police Reform, I have no intention of following him into the question of the separation of the Judicial and the Executive; this is not the time and place; I have merely to say this, that even if the separation were to be effected, I do not think a pice could or ought to be saved from the expenditure it is now proposed to incur on the police. We want better constables, we want better head-constables, we want better Sub-Inspectors, and we want more men for the ever-growing task of coping with the improved methods of criminal organisation which have come in with our railways.

"The Hon'ble Babu Ambika Charan Mazumdar has entered into a long criticism of the budget. His remarks would be interesting, and might be valuable if he had grasped the figures he was dealing with. I do not propose to discuss these criticisms, as they mainly concern my Hon'ble colleague, the Financial Secretary. I will only deal with one point which does concern me as the Revenue Secretary dealing with the administration of the Land-revenue of this Province. The Hon'ble Member tells us that, in land-revenue, there is an increase in the estimate of 53 lakhs, and this he describes as an over-estimate. I think it is a pity that, before offering such remarks to the Council, the Hon'ble Member did not seek for some assistance in the elementary principles of reading a budget. Apparently, he has overlooked the fact that, except where figures are expressly shown as pertaining to Eastern Bengal, the figures in Appendix A include only the figures of the districts belonging to this Province. The gross land-revenue has thus risen only from Rs. 2,87,82,000 in 1904-05 to Rs. 2,93,61,000 in 1906-07, an increase of less than Rs. 6,00,000. It is quite true that the share of the districts constituting this Province has increased from Rs. 1,23,10,000 to Rs. 1,70,51,000, but this is due to the fact that the whole of the collections from Government estates have now been made Provincial, and that, of the remainder, this Province gets a half instead of a quarter as before the new settlement.

"Another extraordinary misconception on the part of the Hon'ble Babu Ambika Charan Mazumdar is the idea that high Budget estimates involve an increased demand upon those entrusted with the levying and collecting of revenues in districts. Most District Officers, and, I think, 99 per cent. of Deputy Collectors, never even look at the Budget and if they did so, would gain no knowledge from it as to their own districts, as the Budget figures show estimates for the whole province, not district by district. All that the District Officer or Deputy Collector has as a rule in his hands is the average of three years' actual receipts and expenditure under various heads. This he submits at intervals to the Accountant-General, with an estimate of probable receipts and expenditure, but it has nothing to do with the Budget.

"I sympathise with the Hon'ble Member in his disappointment at the failure to spend the full sums for various repairs allotted. As regards the Police, I explained the failure to spend the 7 lakhs when dealing with that department. As regards Deputy Collectors, our proposals for an increase of the cadre went up to the Government of India sometime ago and have now been sent to the Secretary of State so that we may expect early orders.

"As regards agricultural improvements, the Hon'ble Babu Ambika Charan Mazumdar has shown his usual inability to understand the Budget. I have dealt before with the work of the Agricultural Department. All I would notice here is that, under the head of Scientific and Mining Departments, the Hon'ble Member will find that 4 lakhs has been provided for experimental cultivation.

"The Hon'ble Member refers to a circular, generally known by my name, which he alleges takes away the independence of Judges, and subordinates the Judicial to the Executive Officers. I doubt whether the Hon'ble Member has read it from the terms in which he describes it. If he will again read it through, he will see that there is no subordination of the Judicial to the Executive as regards judicial work and the circular only lays down that the senior officer of a division is where such difficulties occur to try to settle matters

which must otherwise be brought to the notice of the Lieutenant-Governor of the Province.

"The last suggestion of the Hon'ble Babu Ambika Charan Mazumdar which I will notice is the reduction of a Secretary in the Bengal Secretariat. He suggests that the Revenue Department should be amalgamated with the Board of Revenue or the Board of Revenue with the Secretariat—I am not quite sure which—and a saving effected in the interest of economy. It is impossible at present to tell exactly the effect of the Partition in diminishing work. Besides diminution of work owing to the Partition new methods of work have also been introduced by which a great deal of the former duplication of work between the Board of Revenue and the Secretariat is avoided. On the other hand, there are great developments in various directions. The Agricultural Department will soon add much to the work, Agricultural Banks will, I hope, develop rapidly, the Settlement Department is now doing some of the work formerly done by the Survey Department, and last, but not least, proposals for legislation regarding the continuous maintenance of records in Orissa will shortly be submitted for consideration by the Government of India. All these items, and especially the last, will add greatly to revenue work. I think it is quite possible that it may prove ultimately unnecessary to have three Secretaries, viz., one in the Revenue Department of this Government and two in the Board of Revenue, but the amalgamation, when it takes place, cannot, I think, take the direction of abolishing a Secretary to the Revenue Department. The possibility, however, of reducing establishment in this connection will not be lost sight of.

"YOUR HONOUR—Some of the Hon'ble Members who have addressed the Council to-day have travelled considerably outside the Budget. Government has no ground to object to this as the Budget Debate is the one great opportunity for non-official Members of the Council to state grievances and to make suggestions. Whether some of the Members of this Council have not travelled somewhat beyond the legitimate bounds of discussion to-day is not for me to say.

"I do not propose to follow the Hon'ble gentlemen who have spoken at some length about the Partition. I believe that the Partition was desirable and that in the end both provinces will gain from it. The Hon'ble Members who are so strongly against the Partition are of a different opinion, and we would not come to an agreement, however long we discussed the matter. There are, however, some points in their peeches which should not, I think, be left unnoticed. The Hon'ble Babu Bhupendra Nath Basu and the Hon'ble Mr. J. Chaudhuri have suggested that the Government of this Province proposes to submit the education of this country to police control. We are told that a circular lately issued by the Director of Public Instruction places the control of the education of the country practically in the hands of the District Magistrate. We are told by the Hon'ble Babu Bhupendra Nath Basu that so closely is the District Magistrate connected with the Police that he is looked upon with the same loathing, he also suggests that the District Magistrate will rely on the District Superintendent, that the District Superintendent will rely on the daroga—the Hon'ble Member does not complete the chain, but I presume he wishes to suggest that the village chaukidar will be the foundation of our authority over the schools, and that the result will be that people will remove their children from all State or aided schools, and that the education of their children in the primary stages at least will be entirely in their own hands. Your Honour, I do not share the apprehensions of the Hon'ble Babu Bhupendra Nath Basu. I can scarcely believe he has read the circular he refers to. I have for many years been a District Magistrate and it was not my experience that people looked upon me as merely a glorified police-officer, who, if approached at all, was merely to be approached with a view to propitiation. It is absurd to contend that there are no matters in connection with school education in which District Magistrates cannot be of help.

"As I am dealing with this matter, I will go on to touch on the statement of the Hon'ble Mr. Chaudhuri that there has been altogether too much meddling of the Police with boys. Gentlemen who, I suppose, consider themselves patriots, have made cowardly and mischievous use of school-boys and raw

young men by using them as their agency to prevent by illegal means harmless citizens from buying what they please. These mischievous agitators have done the talking, the action which might embroil them with the law, they have left to young men of tender years or even to school-boys, encouraged in too many cases by their teachers who should have been the last to permit lawlessness among the boys entrusted to their care. So far is it from being the case that Government has dealt hardly with these youthful culprits, it was only when reports from many districts showed the wide extent of the mischief that was occurring and the harassment and oppression to innocent purchasers that Government took any action, and I would challenge the Hon'ble gentlemen to point to any other country where action when taken, would have been so mild and unoppressive. The total number of persons so far sentenced to imprisonment in cases arising out of the Partition agitation comes to exactly two, and the sentences of imprisonment were one day and one month respectively.

"I cannot also leave unnoticed the remarks made by the Hon'ble Babu Bhupendra Nath Basu regarding the closing of the College Square to the public on the occasion of the visit of His Royal Highness the Prince of Wales to the Senate House. Any person not present on the occasion would imagine from the Hon'ble Member's remarks that not only College Square but all the streets leading to it were the silent and desolate aspect of an African desert. Members of the Council know how far this is from being the truth. The streets were crowded and Government desired that the streets should be crowded. Police were posted in the streets, but is there any country in the world where it is unnecessary to post police on the occasion of an enormous congress of people? As regards College Square, surely the Hon'ble Babu Bhupendra Nath Basu knows that it was with the greatest reluctance that it was closed to the public, and that the decision to close it was finally arrived at because an influential and prominent instigator of the more objectionable features of the boycotting movement had suggested that the place should be filled with a crowd of school-boys and young men shouting *Bande Mataram*. Government was not entitled to expose His Royal Highness to the risk of insult by a crowd of callow youths collected and posted in College Square under such guidance.

"And now leaving aside questions connected with the Partition and the agitation, it is the duty of all Government officers to do what they can to promote a healthier state of feeling in future, and I would ask the Indian Members of this Council who have attacked the Partition with so much bitterness to ask themselves whether the three appointments lately gazetted affecting the Bench, the Bar, and the University indicate a hostile or unsympathetic position towards the educated Indians on the part of the rulers of this province or of the Government of India. Does any one doubt in his heart of hearts that true *Swadeshi* has a warm friend in the Provincial and Imperial Governments? For one I look forward with great hope to the future. As regards industries, hand-looms may prove a success, I somewhat doubt it, but there appears to me to be the promise, in a few years, of a great development of the mineral resources and, therefore, of the at present latent wealth of Bengal. I also trust that, before many years are over, the Agricultural Department will have become one of the most important in this country and will have contributed in large measure to the well-being of the population whose interests should be and, I believe, are close to the hearts of all the Members of this Council even if we do not always agree as to the best means of securing their happiness."

The Hon'ble MR. SLACKE said:—"I will now, Sir, make some comments with regard to certain remarks that have been made regarding excise, income-tax and ministerial officers.

"The Hon'ble Babu Jagendra Nath Mukherjee maintains that as regards Excise, Government should not raise from that source any revenue which has the result of directly or indirectly encouraging the consumption of stimulants.

"This, so far as I understand the matter, is one of the principles by which Government has for long been guided.

"From the experience I have had of the Excise Department, I cannot see justification for assuming, as the Hon'ble Member appears to be inclined

to do, that the increase in the Excise-revenue arises from action stimulating the consumption of intoxicants.

"The main causes for the increase in the revenue are the greater prosperity of the wage-earning portion of the community, the more effective control of the liquor trade under the contract system and the increase in the duty levied on *ganja*.

"The Hon'ble Babu Ambika Charan Mazumdar has, when commenting on excise, remarked that an excess provision of nearly 3 lakhs over the estimate of the last Budget for undivided Bengal has been provided, and he complains about the overassessment of the excise-revenue.

"As regards the first of these two matters, the Hon'ble Member appears to have overlooked the fact that in 1905-06 but seven-sixteenths was the Provincial share instead of eight-sixteenths as in the current year. Had the Provincial share been in 1905-06 what it is now, the sanctioned estimate under Excise then would have been nearly eleven lakhs higher than it was and the estimate for the present year instead of being nearly 3 lakhs higher than that for the whole Province for 1905-06, would have been slightly over 8 lakhs less.

"As to what the Hon'ble Member has said about the overassessment of the excise-revenue, it appears to me that he has not made allowance for the fact that it is not compulsory on licensees to take out licenses, and consequently there can be no question of overassessment injurious to the real interest of the public.

"In so far as the comments of the Hon'ble Member refer to the estimates being excessive, I would mention that the results of the excise settlements just concluded give no support to that view.

"The same Hon'ble Member has asked to be informed how the contract distillery system, which was introduced last year, has worked and how far it has proved to be an improvement upon the central distillery system.

"The contract distillery system has worked well save in what was the out-still area of the Midnapore district, where much illicit manufacture of *pachwai* has been going on, since the illicit liquor supplied is not so much appreciated by the people as that which they formerly obtained and which was the product of the native pot still. The people like the system as they know exactly what they are entitled to get, but the bulk of the consumers prefer the old kind of spirit.

"As to how far the system has proved to be an improvement upon the central distillery system, the following are the facts which have been noticed. As already mentioned, the people like the system better than what formerly prevailed. The system enables Government to regulate the quality of the liquor supplied, and by cheapening the initial cost of production it affords Government a means for levying a higher rate of duty, as the wholesale price is fixed, and thereby diverting to the public revenues what previously had been intercepted by middlemen.

"I cannot agree with the Hon'ble Mr. Shurfuddin that amongst the Excise staff any general laxity of the rules laid down by the Board prevails. As to the settlements being effected without regard to the provision that revenue is always to be subject to public welfare, it may be that in the past some Deputy Collectors had been overzealous, but this is not likely to occur in the future since Collectors now personally conduct such settlements.

"The Hon'ble Babu Jogendra Nath Mookerjee in connection with the Income-tax appears to consider that the framers of the Budget should ignore the growth of trade, lest overzealous officers should be induced to overlook the real facts in their anxiety to increase the revenue up to the expectations of Government.

"The principle thus advocated is not one which could commend itself, I imagine, to any Government, the solution being found in the checks imposed on assessing officers. This is a matter which the Board has always in view; and apart from the safeguard provided by the system of appeals, District Officers have been required to submit certain statistics with their periodical reports to enable the Board to keep a check on the inclusion of those who were in the exempted grades.

"The suggestion of the Hon'ble Mr. Shurfuddin that in assessing the professions a margin for cost of establishment should be allowed will be considered, and I would be glad if the Hon'ble Member would give me his views on this matter more fully.

"I would now, Sir, refer to the remarks made by the Hon'ble Babu Ambika Charan Mazumdar with reference to the salaries of Ministerial officers. The Hon'ble Member complains that the subject yet suffers from indefinite postponement, and that the provision made in the Budget for the purpose has dwindled from 4 lakhs to Rs. 1,50,000. Both these assertions are not in accord with the facts. The Hon'ble Member has either forgotten or is in ignorance of the fact that last year His Honour appointed a Committee to deal with the matter. That Committee, of which I am the President, hopes to submit its report very shortly, and it will indicate how the sum provided by Government should be distributed.

"Pending the issue of orders on this report and in order to lessen the inconvenience which the Ministerial staff were experiencing, His Honour was pleased in November last to sanction certain temporary increases of pay which will, it is estimated, amount to 1½ lakhs for the past year.

"I was much astonished to hear the Hon'ble Member assert that the sum provided for the purpose in the current Budget has dwindled to Rs. 1,50,000, as I verbally, before the business of this council began, pointed out to him the error into which he had fallen. The Hon'ble Member has omitted to notice that for this purpose a sum of Rs. 2,30 000 has been provided under Land-revenue and Rs. 2,17,000 under Courts of Law, besides Rs. 20,000 under Commissioner's establishments, so that in all, Rs. 4,67,000 have been allotted in the Budget for 1906-07 for increasing the salaries of ministerial officers, and I am at a loss to understand the system of arithmetic by which this amount can be called 1½ lakhs."

The Hon'ble MR. SHIRRES said:—"YOUR HONOUR—I must give my sincere thanks to the Members of the Council for the courteous manner in which they have referred to whatever personal share I had in the preparation of the Financial Statement and the Budget which we are now discussing. The best return I can make is to endeavour to clear away the difficulties which some of the Hon'ble Members have experienced in understanding our financial position. That position is, as I pointed out when laying the Budget on the table, an unusual one, and it is not surprising that misconceptions have arisen; while on the other hand the very fact that the position was unusual made it difficult for me to foresee the points on which explanation would be required.

"The most strenuous financial criticism of the Budget has come from the Hon'ble Babu Ambika Charan Mazumdar. He has, however, misconceived the nature of the new financial settlement which is the basis of the Budget before us. That settlement was not made by dividing between Bengal and Eastern Bengal, the revenue previously common to both. It might have been, but was not, so made. What the Government of India did was to make an entirely fresh estimate of the necessary expenditure of the districts retained under the Lieutenant-Governor of Bengal; and they then made over revenues equal to that expenditure. As the calculation was made in a liberal spirit and as a larger share of expanding revenue was given to us the new settlement is, as I stated in my opening speech, much more favourable to us than the old one, and it has not, therefore, been a source of financial embarrassment to this Government. Moreover, there has been no adjustment between Bengal and East Bengal, of the financial liabilities of the two Provinces: and, therefore, no attempt has been made in the Financial statement to explain any such adjustment.

"The Hon'ble Member next proceeds to compare our present revenue and expenditure with the revenue and expenditure which we had before the separation of East Bengal, and is astonished at the result. The figures he gives are correctly quoted and perhaps his astonishment at our finances being so little affected is excusable. The explanation is that the new settlement is a very liberal one, that the year has been a prosperous one, so that there has been a considerable expansion of revenue, and that the revenue from, and the expenditure on, East Bengal have hitherto been both comparatively

[*Mr. Shirres*]

small. Under the new settlement we get one-half instead of one-fourth of land-revenue, and this change accounts for the increase under that head. So we now get one-half instead of one-fourth of assessed taxes. The explanation of the conundrum about the Excise-revenue which has puzzled the Hon'ble Member is that the Excise-revenue of East Bengal was not one-third, but rather less than one-sixth of the Excise revenue of the undivided Province.

"The hon'ble gentleman professes himself unable to understand why there should be any normal expansion of revenue, and repeatedly refers to what he calls over-assessments. He says that an over-estimate of its revenues by Government necessarily implies an increased demand upon those who are entrusted with the levying and collection of such revenues, and that experience has shown that such over-estimates have invariably been followed by over-assessments. These statements imply a grave reflection upon the Government and its officers, but I need scarcely say that there is no foundation for them whatsoever. In legal language they have been made without due care and caution. The Hon'ble Member cites the expansion of the Excise-revenue, but a little knowledge of the actual working of the administration would have shown him that there is no opening for such malign influence as he imagines. The revenue is derived partly from license fees and partly from duty such as still-head duty, or *ganja* duty, which is exactly proportionate to the consumption. The license fees, however, are fixed by auction in the months of February and March before the estimates of the following year are known to the local officers, and it is not in the power of those officers to affect the remainder of the revenue which is in exact proportion to consumption.

"The Hon'ble Babu Jogendra Nath Mukerjee has made a similar allegation with special reference to assessed taxes. He is equally mistaken. The local officers in the ordinary course of their work never consider and do not even know what the Government estimates for their district are. The first consolidated estimate under any head for the whole Province is repeatedly altered before the close of the year in the light of later information, and the figure finally adopted may be much greater or less than the original. But no attempt is made to split up the total finally adopted into figures for each district, and the local officers do not know whether the estimates sent in by them have been accepted or enhanced or reduced. If they use a standard at all to know how their work is getting on, they compare their work with that which they themselves did in the previous year. As a matter of fact, the estimates being cautiously framed are usually considerably less than the receipts, so that if Government officers were influenced by the budget estimates at all, the influence would be in the direction of making them keep down rather than of making them enhance the receipts.

"I now come to deal with the ever-recurring question of water-supply. During the last ten years the matter has been so frequently inquired into and has been so frequently reported on, that no reasonable doubt exists as to what the actual facts are. Throughout nearly the whole of the Province there is a fairly good supply of good drinking water: although no doubt in most places the supply is capable of improvement. In most of the remaining areas there is a supply of water, but it is not good water. There is no doubt also that the remedy chiefly required is the reservation for the purpose of drinking only of selected sources of water-supply. New tanks or wells are rarely necessary and not much expenditure is called for. These being the facts the question is whose duty is it to take action in the matter? The Government has done its part by issuing innumerable circulars on the subject, by offering to contribute towards any expenditure and by placing resources at the disposal of District Boards. The District Boards, however, do not appear to regard the matter as one of urgency and importance and are not keenly interested in it. In these circumstances it seems to me that the Hon'ble Members who wish to agitate on this subject should do so not in this Chamber, but in the villages concerned and in the District Boards with whom the power lies. That, however, is not their opinion. They wish that Government should take a big stick and should go and make those District Boards spend their money on water-supply. Now I would ask the Hon'ble gentlemen themselves, is not their idea of Local Self-Government a very strange one?

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"The case of malaria stands on a different footing, for in regard to it there can be no doubt of the reality and magnitude of the evil. The subject is one that has always engaged the attention of Government. A Commission was appointed to inquire into it in 1864, and another in 1881. A third Commission under the presidency of Sir Henry Cotton, inquired into the prevalence of malaria in Shahabad in 1888; and inquiries have also been made by special officers, the most recent being by Major Rogers in Dinajpur. Nor is it fair to say that the sole amount provided in the Budget is the special sum of Rs. 20,000. The whole medical department is maintained for the purpose of combating disease, and malaria is the principal disease to be combated. Moreover, large sums have been and are being spent in the improvement of drainage. Account should also be taken of the expenditure in the quinine factory, the output of which is being largely increased in order to carry out schemes for the wider distribution of quinine.

"The law under which schemes for the Sanitary improvement of drainage have at present to be carried out is the Bengal Sanitary Drainage Act, 1895, but it is impossible to be satisfied with the slow progress of the schemes which have been undertaken under that Act. The matter has been under the consideration of the Lieutenant-Governor who consulted Commissioners of Divisions regarding it. His Honour has now appointed a Committee to further consider the subject with special reference to drainage schemes for the Presidency Division. His Honour's Resolution on the subject was published in a recent issue of the Calcutta Gazette, and has no doubt been seen by Hon'ble Members.

"The Hon'ble Raja Ban Behari Kapur has referred at some length to the proposal for a paying patients' ward for middle class Indian gentlemen at the Medical College Hospital. He suggests that the landlords' fees lying unappropriated at the different treasuries of the Province should be made available for this project. The Hon'ble Babu Ambika Churn Mazumdar at the meeting of this Council on Saturday, the 7th January, 1905, suggested that these lapsed deposits should be made over to District Boards for the purposes of water supply. That proposal was negatived and the same objections would apply to the present one. The Lieutenant-Governor is, however, entirely in sympathy with the scheme advocated by my Hon'ble friend, and although he is not prepared to adopt the financial expedient suggested, he will find whatever additional funds are necessary for the first experimental introduction of the scheme from other provincial resources.

"In the course of his speech my honbl'e friend Raja Ban Bihari Kapur also threw out the suggestion that Government should set aside annually, a certain sum for the digging and re-excavation of large *dighees* and tanks not only for drinking water but also as a means of irrigation. This subject was considered by the Irrigation Commission of 1901-1903, in paragraphs 147 to 149 of Part I of their report and they made certain recommendations as to the forms in which the assistance of Government could best be given. Recently, orders have been received from the Government of India accepting and adopting the recommendations in this respect made by the Irrigation Commission.

"The Hon'ble Mr. Chaudhuri refers to the locking up of money in the improvement of Dalhousie Square and in the purchase of land near the Presidency General Hospital. The money for improving Dalhousie Square was, however, paid by the Government of India, and if it had not been spent in that way the saving would not have gone into our pockets. The land in the neighbourhood of the Presidency General Hospital included much besides the site of the Tramway Company's depôt, and the primary purpose of the acquisition of the land was the removal of a very insanitary bustee. What use will ultimately be made of the land I do not know, but meanwhile we lose nothing by our capital being locked up, because if the money were in the Treasury we should not get any interest on it, and for several years to come we must carry forward excess balances in order to provide for the final completion of schemes to which we are already committed.

"The Hon'ble Babu Bhupendra Nath Basu has referred to the subject of septic tanks and has put forward certain suggestions. If, however, he will

refer to the Government Resolution on the subject he will find that all the points referred to by him have already received full and careful consideration.

"The Hon'ble Babu Bhupendra Nath Basu has also suggested that an Indian gentleman possessing expert knowledge should be associated with the recently appointed drainage committee, and he suggests the name of Colonel K. P Gupta. The Committee was kept as small as possible because it will have to move about a good deal at an unhealthy period of the year, but if Colonel K. P. Gupta is willing to give his services for this inquiry the Lieutenant-Governor will be very glad to avail himself of them.

"I think I have now noticed practically all the questions with which I am specially concerned and have only again to thank the Hon'ble Members of this Council for the manner in which they have received the Financial Statement and Budget which I have had the honour to lay before them."

The Hon'ble THE PRESIDENT, said:—"GENTLEMEN,—I desire first of all to congratulate my friend Mr. Shirres on the manner in which his Budget and his presentation of it have been received. There is no one, even among those who may be regarded as somewhat unfavourable critics of the Government and its policy, who has not shown appreciation of the work of my Hon'ble friend.

"I shall endeavour not to detain the Council very long It is desirable that there should be as little restriction as possible put upon the speeches of Hon'ble Members in the Budget debate It is desirable that they should have the opportunity of placing clearly before Government and the public, anything that they wish to say in the way of criticism, suggestion or advice, in regard to the income, expenditure and general administration of the province. But while it is most desirable that any difficulties or misunderstandings on any subject relevant to the budget should be dealt with by the responsible officers of Government, it does not seem to me to be necessary that the Government should follow Hon'ble Members on every question to which they choose to refer. I do not propose, therefore, to reply on every question raised.

"One question which I consider it quite necessary to discuss is partition. It was not unnatural that some Hon'ble members, opposed to partition, should desire to give expression once more to their views in regard to that question; and while I may regret the "ring of the unreal in the discussion" to which the Hon'ble Babu Bhupendra Nath Basu referred, and the exaggeration of language and misapprehension of certain points into which Hon'ble members have sometimes fallen, it has certainly been very far from my mind to desire to silence them. I do not, however, intend to trouble the Council with my own views on this subject. They are perfectly well known, having been fully set forth in the Blue Book which has been published on the subject. I will only say that I thoroughly believe, and earnestly hope, that time will show this measure to have been a wise one, in the improved administration of both provinces, and especially in the development of the new province, as indicated by my Hon'ble friend Mr. Nimmo this morning.

"There are a number of questions to which reference has been made in regard to each of which it is only necessary that I should say one or two words. They have for the most part been dealt with by the Hon'ble members in charge of the different departments of work under this Government, and hardly require further notice. The matters of malaria, rural water-supply and drainage are receiving attention, and after what has been said to-day I do not think that it will be contended that they are being treated in an inadequate manner. As has been stated by the Hon'ble Mr. Nimmo, whose suggestions are well worthy of attention, the development of railways and of waterways and the improvement of the Port are now receiving earnest attention at the hands of Government and of the Port Commissioners. I sympathise fully with the Hon'ble Member's views about the Sara bridge and railway communication with the tracts north of the Ganges. In the matter of Port dues, to which that Hon'ble Member also referred, action has already been taken. On the question of railway rates I am not prepared at present to enter. But the importance of the question to the interests of Calcutta can hardly be overstated. The Commercial community and the Government are alike concerned; and I thank the Hon'ble Member for drawing my attention to it. It is not a question

of which the decision will lie with us; but we ought to be heard on our own behalf, and exercise our due influence on the decision.

"As to the fishery question, the state of the case is this, that the Government of Bengal proposed to make an inquiry in this province, but was deterred from doing so by the fact that a special inquiry was just then started, under the orders of the Madras Government, by Sir Fredrick Nicholson in that province. As it does not appear now, however, that the Madras inquiry will throw any special light on the question as it affects Bengal, this Government has determined to take up the question for itself.

"The Hon'ble Mr. Shurfuddin has urged that the existence of the record-of-rights may seem to justify some simplification of the legal proceedings to be taken for the realisation of rents. This subject has already attracted the attention of the Government; and I hope that it may be found possible to take some such step as has been indicated. For the record-of-rights is an advantage to landlord and tenant alike.

"The urgent necessity for legislation in regard to the adulteration of jute has also been referred to by the Hon'ble Mr. Nimmo. The case has been strongly put before the Government. We sympathise fully with the effort to prevent the dishonesty of middlemen from destroying the cultivation of jute in Bengal, as it may do. We await a final expression of the views of the Bengal Chamber of Commerce on the proposed legislation, which will receive our most earnest and sympathetic attention. It is not an easy matter to deal with; but we shall be glad to assist in framing any practicable measure, and in carrying it through, if possible.

"One other question may be briefly referred to, namely, the appointment of an Additional Judge for purposes of inspection of the mufassal Courts during the cold weather. This could not be very well included in the budget inasmuch as it has not been formally approved by the High Court, nor sanctioned by the Government of India and the Secretary of State; but it is undoubtedly the intention of this Government to press for the appointment; and it is my hope that the arrangement will become a permanent cold weathern arrangement. I believe that in this I have the concurrence of the Hon'ble Judges of the High Court. The cost, if the arrangement is sanctioned, will be easily met from savings; and the scheme is one which has been proved by experience to be of very real advantage.

"I should like now to say something on the subject of education. I shall first of all deal with the appointment of Mr. Earle as Director of Public Instruction in succession to Sir Alexander Pedler. I do not consider this to be a matter of high political principle, nor of great importance, in the precise manner in which some Hon'ble Members seem to regard it. But I think it right to state briefly my views on the matter. In the first place, I desire to say that it has been laid down as a principle, which Government cannot for a moment regard as one to be questioned, that the right rests with the Government, after full consideration of all the circumstances of the case, to appoint as the head of any department the man whose appointment will be most in the interests of the public service. It has been distinctly laid down that while it is desirable, other things being equal, to appoint an educational officer to be Director of Public Instruction, the Educational Department has no right to claim the appointment. The discretion lies with the Government in view of all the circumstances of the case. I can assure the Hon'ble Babu Bhupendra Nath Basu that there is not a single officer of the Department whose claims have been overlooked. They have been carefully and anxiously weighed; and the decision has been made in the interest of the cause of education alone. It has been stated that Mr. Earle was appointed to be Director of Public Instruction because it was desired to get rid of him from the Secretariat. If this assertion concerned me alone, I should pass it by in silence. As it concerns Mr. Earle also, I desire to say most emphatically that it is absolutely untrue. Mr. Earle was a most efficient Secretary. It was because he was so efficient, and had devoted himself with so much capacity and zeal and success to dealing with the great administrative questions connected with the Education Department, that I appointed him to be Director of Public Instruction. I do not believe that there are no men in the Educational Department fit for the appointment of Director. I have never believed that, and from the first I have said so But there was no man on

[*The President.*]

whom I could lay my hand with confidence that, by his training and experience, he had acquired and shown capacity for administering the department as Mr. Earle undoubtedly had. Their experience had been limited to educational work with which the Director has now comparatively little concern; they knew nothing practically of the most pressing problems; and they had had no opportunity of showing capacity for administration. It was otherwise with Mr. Earle. I am glad to hear the testimony borne by the Hon'ble Babu Bhupendra Nath Basu to the experience and resourcefulness and largehearted sympathy of the present Director, of whom "individually" the Hon'ble Member says that "no choice could have been happier." I trust that the officers of the department will not be misled by the mischievous comments that have been made on Mr. Earle's selection into any belief that the department, as a whole, has been slighted, or that its officers will be permanently excluded from what they may well regard as one of its prizes. I anticipate their loyal co-operation with Mr. Earle and marked progress in the work of education in which we are all so deeply interested.

"Another subject connected with education to which, I regret, I must refer, is Sir Alexander Pedler's Circular of the 12th of January last. Unfavourable comments on this Circular have been made by three Indian members of the Council. I cannot understand what I hope I may be permitted without offence to call the grosteque parody of the Circular made by the Hon'ble Babu Bhupendra Nath Basu. He describes it as placing the whole control of education in the hands of the District Magistrate; and then he describes the District Magistrate as looking upon every part of his work as part of his police work. I have been a District Magistrate; and I have known scores of District Magistrates; and I cannot conjure before my imagination any more perfectly inaccurate picture of a District Magistrate than the Hon'ble Member has drawn. There is undoubtedly a great deal more in the mufassal than the ordinary Calcutta man knows; and the life of the District Magistrate among his people, the influence that he has over them, the habit they have of looking to an accessible and sympathetic District Magistrate for guidance in regard to most matters, and the way in which sometimes they are apt to stand aloof from anything of which by his aloofness he seems to indicate disapproval, are well known features of a life which is, in the whole course of a Civilian's career in India, the most interesting and in some respects the most useful. If we turn to Sir Alexander Pedler's Circular, we find that he urges educational officers to take advantage of the local knowledge and influence of executive officers (and also of judicial officers) so as to push forward the cause of education. In no way are the officers of the educational department subordinated to the executive officers, though they are certainly urged to go to them for advice and help. The purely educational work is left entirely in the hands of the educational officers; but they are called upon to take advantage of the local knowledge and experience of the District Officers in deciding about the educational claims or necessities of different localities, and also to take advantage of the influence of the same officers in seeking to make the cause more popular. Sir Alexander Pedler sent me a copy of his Circular; and far from disapproving of it, I circulated it to all Commissioners and District Officers with a request that they would give their heartiest co-operation to the officers of the Educational department in their work.

"It is only because I do not wish to be misunderstood that I go on to refer briefly to two other Circulars which have been referred to by the Hon'ble members. The one is Mr. Carlyle's Circular of the 24th February 1905, a Circular which originated in certain references made to me about social matters, which I thought might well have been disposed of on the spot. The Circular points out that the Commissioner of Division, as senior officer and as an officer selected from amongst his fellows on account of his special capacity for high office, should himself deal with social questions, such as cases of personal misconduct, quarrels between officers, improper treatment of the people and the like, and that such questions should only be referred to the head of the Government when, owing to recalcitrancy of one of the parties, it was impossible to settle it on the spot. It was distinctly pointed out that the greatest care must be taken in the case of judicial officers that no sort of interference should take place in regard to their judicial work. The

Circular aimed at a suitable settlement of social questions by an officer of standing on the spot, which is surely a reasonable object. But distinct exception was made in respect of judicial officers in regard to their judicial work, lest there should be any appearance of interference with the judicial by the executive. The character of the Circular is the very opposite of what has been represented this morning Similarly the object of Mr. Carlyle's Circular of the 16th of October last, in regard to school boys and students, has been grossly misrepresented. These boys were being induced to leave their studies and betake themselves to political work, which in some cases had led to breach of the peace and to acts of violence. It was desired that they should not be dealt with by the police, so as to be carried to the jail or to the whipping triangle, but by the educational authorities themselves, who should exercise proper discipline in the institutions under their control. It is unnecessary for me to say more on this subject. It is as plain as possible. I did not feel, however, that I could pass without notice the remarks which have been made.

"The cause of education does seem to be at present receiving more attention in Bengal than it has done before. I do not claim to myself any credit for this change. There are many causes, some of which have been known to me for years, and some perhaps of which I may even till now be ignorant, which have co-operated to bring about this resut. The fact, however, remains: Education in all its branches is attracting more attention from the Government and from the public than in the past. University education is now entrusted to the University of Calcutta. The Syndicate and Senatus of that University must be held in the future to be mainly responsible for the efficiency of collegiate education. Government will give assistance. We have been doing so with no niggardly hand. The public are also assisting. I might give many instances of the improvement of certain colleges, of hostels established in connection with several colleges, of prizes offered for certain subjects, and of interest shown in the education of our young men. There are none more gratifying to me than the co-operation of the public in the establishment of the Ranchi College and hostels which I now expect, with confidence, to see in full working order before I finally leave the province; the interest displayed in the efficiency of the Presidency College; and the earnest efforts which are being made properly to equip the College at Patna also.

"Primary education is receiving very special attention; and I trust that the year upon which we are now entering will see very marked development in respect of it. As some Hon'ble Members are aware, a new departure is being made in regard to female education both in Behar and in Bengal. Technical education is being pushed forward not only in one or two special institutions to which reference has been made, but also over the whole country. The appointment of a special Director of Agriculture will certainly give great impulse to agricultural improvement and to agricultural education; and I am most fortunate in finding for that post an officer of the experience, energy and zeal of Mr. Oldham. To this officer I have also entrusted the inspection of technical schools of all kinds throughout the province; and I am adding to the new Engineering College a good technical school, co-operating in this respect with the Committee which has been established by the people themselves here in Calcutta. Secondary education is also receiving special attention. A model school will be established at Ranchi and every effort will be made, as funds permit, to make existing schools more efficient.

"I have been greatly cheered during the year just passed by the visit that I paid to the Police Training Schools for cadets and for constables at Bhagalpur. I am much gratified by the excellent results which have been secured at both schools. I took note also of the excellent appearance of the cadets, and of the interest with which they listened to an exhortation which I thought fit to address to them regarding their duties in their new career. I was glad to find that we are securing a better class of men as our recruits for the office of Sub-Inspectors. Men of higher education and of better social status are already being enlisted. I am just about to appoint eight Deputy Superintendents. The existence of this new class of officers will no doubt tend to improve the police just as the Provincial Judicial and Executive Services were improved.

[*The President.*]

"It will interest the Council to know that proposals for a considerable increase in the cadre of the Provincial Service are now before the Secretary of State. We trust soon to have men to carry out the increasing work of the province. I may add that it has been a great pleasure to me to receive from the present Vice-Chancellor of the University of Calcutta an excellent report regarding the educational qualifications and character of the young gentlemen who have been appointed to the Provincial Service under the new rules.

"There is one point to which the Hon'ble Babu Bhupendra Nath Basu referred which I think does demand our attention. I certainly do not accept all he said about the careers which are, or which should be, open to distinguished Indian students. But I sympathise with his suggestion that an Indian who distinguishes himself in his University career and goes abroad to devote himself to scientific pursuits should receive more recognition from the hands of the Government. This matter has attracted my attention and will be borne in mind.

"I do not think that there is anything more which requires special mention from me. There is, however, one remark of the Hon'ble Mr. Syed Shurfuddin to which I should like to refer briefly in conclusion. The Hon'ble Member quoted a remark by my predecessor, Sir John Woodburn, in which he invited suggestions from non-official Members in respect of the administration. The Hon'ble Member pointed out that he did not feel himself in a position to make such suggestions very usefully. He said, "We are in a hopeless minority and cannot vote for any matter connected with the budget. We are never asked anything when the estimates are being prepared. The budget is placed before us cut and dried; and we are asked to carry on a discussion on its merits. And our suggestions can at the very best be utilised in the following year's estimates." I do not think that it is necessary for the purpose of making valuable suggestions to be in a position to enforce them against opposition. It may be that the Government will be willing to accept a suggestion without compulsion. Then again, I do not quite agree with the Hon'ble member in saying that the Government *in framing* the budget estimates does not get advice. He must not think that the Government officers set to work to frame the budget with a clean sheet before them, and without any preparation except the special calling together of certain clerks with facts and figures. The budget which has been laid before you by the Hon'ble Mr. Shirres contains the results of the thought and experience of the whole of last year and even of years before. The schemes which are being taken up are schemes which have been well thought out, and in respect of some of which, as some of you know very well, a great deal of advice has been taken from people in all parts of the province. Again, the Hon'ble Raja Bau Behary Kapur could tell the Hon'ble member that criticisms and suggestions sometimes do affect the policy even of the year with which the budget under discussion is concerned. By reallotment of funds, suggestions made in the budget debate of to-day may become accomplished facts before next year. All the same, I think that there is something of truth underlying the statement made by the Hon'ble member; and I shall be very glad to endeavour to think out some measure which (with the approval of the Government of India, if necessary) may be introduced for securing the advice of the Councillors of the Government before the budget is presented by the Financial Secretary.

"And now gentlemen I have detained you longer than I have been willing to do. But the matters to which I have referred seemed to me to demand at least a word or two from the head of the Government. I shall now bid you good-bye. I hope earnestly to return to my duty in this province next October, strengthened for its more efficient discharge, and confident of receiving the loyal assistance which I have often received from you, and for which I tender you my hearty thanks. It is a great pleasure to me that His Excellency the Viceroy has appointed to be Lieutenant-Governor during my absence my esteemed friend and colleague, Mr. Hare, than whom, I am sure, there is no man who commands more the confidence of the officers and of the people of Bengal.

The Council was then adjourned *sine die*.

L. C. ADAMI,

Offg. Secretary to the Bengal Council.

CALCUTTA;

The 21st May, 1906.

B. S. Press—16023—300—4-6-1906—T. N. Roy and others.

gratifying to me than the co-operation of the public in the ...

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 18th August, 1906, at 11 A.M.

Present:

The Hon'ble MR. F. A. SLACKE, Acting Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. S. P. SINHA, Offg. Advocate-General of Bengal.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble Mr. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. SYED SHUKFUDDIN.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

NEW MEMBERS.

The Hon'ble MR. W. C. MACPHERSON, C.S.I., the Hon'ble MR. H. J. MCINTOSH, the Hon'ble MR. J. R. BERTRAM and the Hon'ble BABU RADHA CHARAN PAL took their seats in Council.

QUESTIONS AND ANSWERS.

THE PUSA AGRICULTURAL COLLEGE AND EXPERIMENTAL FARM.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to give the following information with regard to the staff employed in the Pusa Agricultural College and Experimental Farm:—

(*i*) Names.
(*ii*) Designation.
(*iii*) Qualifications.
(*iv*) Pay.
(*v*) Allowance, if any?

The Hon'ble MR. CARLYLE replied:—

"The Pusa Agricultural College and Experimental Farm is under the management of the Government of India, and this Government has no information in regard to the staff employed."

REPORT ON THE MARKET-RATES OF FOOD-GRAINS, &c.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state the agency employed to ascertain and report the market-rates of food-grains, &c., published weekly in the Calcutta Gazette?

Is the Government aware that the rates so published in the Calcutta Gazette are not always the actual prevailing rates in the market?

If the Government is not aware of the fact, will it be pleased to institute an enquiry into the matter, and, if upon enquiry the reports are found inaccurate and defective, will the Government be pleased to state what action it proposes to take in the matter so as to ensure more accurate reports in the future?

The Hon'ble MR. CARLYLE replied:—

"The figures published each week in the Calcutta Gazette are obtained from the weekly weather and crop reports, which are submitted by the District Officers.

"Under the existing rules, in districts in which the Bengal Tenancy Act is in force, the prices are ascertained by a Gazetted officer not below the rank of a Sub-Deputy Collector, unless the Divisional Commissioner, for special reason, authorises the employment of a Kanungo. In other districts the District Officer exercises his discretion in selecting an officer for this duty.

"In a few cases it has come to the notice of Government that the rules had not been strictly followed in reporting prices, and the necessary steps have been taken to have the mistakes rectified; but there is no reason for supposing that the market prices are not generally ascertained with care before the reports are submitted.

"In the opinion of Government the present rules on the subject are sufficient. If any specific instance of prices being incorrectly reported be cited, enquiry will be made; but there is no evidence for the necessity of instituting any general enquiry."

[*Mr. Syed Shurfuddin; Mr. Richardson; Mr. Carlyle.*]

INDUSTRIES OF BENGAL.

The Hon'ble Mr. Syed Shurfuddin said:—

Considering the fact that the account of the industries of the Province as published under the heading of "Manufactures and Mines" in Chapter IV of the Administration Report of Bengal, 1904-05, is not complete, will the Government be pleased to direct the publication in future Administration Reports more details on this subject?

As a preliminary step will the Government be pleased to institute as soon as possible a general industrial survey of the Province to inquire into, among other things,—

(*i*) the existing industries, with the areas covered by each of them;

(*ii*) the dying or dead industries, with the causes of their present condition and suggestions for their revival, wherever that is possible;

(*iii*) the possibility of any new industry which may be suited to particular areas by virtue of their respective position and surroundings?

The Hon'ble Mr. Richardson replied:—

"As regards the first part of the question, if the Hon'ble Member will specify the further details which he considers should be given in order to complete the information in the Administration Report, Government will be glad, if the details are available and if space permits, to comply with his wishes.

"As regards the second part of the question, the Lieutenant-Governor does not consider it necessary at present to institute a general industrial survey of the Province. I lay on the table a copy of a report prepared by the Hon'ble Mr. Collin in 1890 on the existing arts and industries of Bengal and a copy of a Memorandum prepared in the Secretariat regarding the development of agriculture, and industrial, commercial and technical education in Bengal. Reference may also be made to Chapter XII of the report of the last Census of the Province, prepared by Mr. Gait, and to the statistical tables of the Census, numbered XV and XVI."

POLITICAL STATES IN CHUTIA NAGPUR.

The Hon'ble Mr. Syed Shurfuddin asked:—

(*a*) Will the Government be pleased to lay on the table the report of the Officer who is mentioned as having been deputed to inquire into and report on the condition of the Political states in Chutia Nagpur (*vide* Administration Report of Bengal, 1904-05, Chapter I, paragraph 10)?

(*b*) Will the Government be pleased to state what change, if any, has been effected in the office establishment of the Commissioner of Chutia Nagpur after the transfer of seven of the Political states in that Division to the Central Provinces?

The Hon'ble Mr. Carlyle replied:—

"(*a*) Government is unable to lay on the table the reports, as they are Confidential.

"(*b*) Five and not seven States have been transferred from the Chutia Nagpur Division to the Central Provinces. Out of a staff of five Assistants originally employed in the Political side of the office of the Commissioner of Chutia Nagpur whose pay ranged from Rs. 25 to Rs. 100 *per mensem*, only one temporary clerk on Rs. 35 has been retained for work connected with the two Native States of Seraikela and Kharsawan which are still under the Commissioner."

[*Mr. Syed Shurfuddin; Mr. Richardson; Mr. Carlyle.*]

PRISON REFORMS.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Is the Government aware that His Honour the Lieutenant-Governor of the Punjab has recently issued an order in the course of which he lays it down as an axiom that if the law is properly administered, no boy under the age of fifteen years should in future ever become acquainted with the inside of a prison, and in noticing the reformatory system inaugurated in the Lahore and Montgomery Jails for the mental and physical training of juvenile adult convicts, His Honour fully agrees in the importance of dealing with the incipient criminal on special lines, while comparative youthfulness affords every prospect of reform, and sees no reason why the same success should not be attained in India as under the English system?

Is the Government further aware that there are at present under the consideration of the Bombay Government important proposals regarding prison reform, such as complete separation of habituals from first-conviction prisoners, special treatment of juveniles and young adults up to twenty-five years of age, and provision of separate accommodation for under-trial prisoners?

Will the Government be now pleased to state if it will consider the advisability of taking steps to introduce prison reforms on the lines indicated in the order of His Honour the Lieutenant-Governor of the Punjab, and the proposals under the consideration of the Bombay Government?

The Hon'ble MR. RICHARDSON replied:—

"In reply to the first paragraph of the question, this Government is aware of the observations made by His Honour the Lieutenant-Governor of the Punjab.

"In reply to the second paragraph, this Government is not aware of the details of the proposals before the Bombay Government to which reference is made. The proposals, however, are not in their general scope of a novel character, and attention has been given in recent years in more than one quarter to the cognate subjects of the segregation and differential treatment of the various classes of prisoners.

"These subjects have not been lost sight of in this Province. The existing rules provide for the separation of prisoners, and steps have been and are being taken to remedy such defects as exist in this respect in the present jail buildings. The question has been again before the Government quite recently, and a report has been called for from the Inspector-General of Prisons. The Government has adopted and expressed the view that, except in special cases, juvenile offenders should not be sent to jail, but to the Reformatory schools. Various questions relating to these are now under consideration. As regards the training of young adults, a scheme is in contemplation in connection with the new Alipore Jail, and it is hoped that it will be found possible to give effect to it."

COMMISSIONERSHIP OF MUZAFFARPUR.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state as to when the scheme of the formation of a separate Commissionership at Muzaffarpur is going to be given effect to?

The Hon'ble MR. CARLYLE replied:—

"The matter is now under the consideration of the Government of India."

THE REGISTRATION DEPARTMENT.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to lay on the table the papers relating to the re-organization of the Registration Department?

The Hon'ble MR. CARLYLE replied:—

"The papers are laid on the table."

[*Mr. Bertram; Mr. Carlyle; Mr. Inglis.*]

CONSTRUCTION OF A TRAMWAY SERVICE IN THE COSSIPORE-CHITPUR MUNICIPALITY.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if sanction has been accorded to the proposals of the Cossipore-Chitpur Municipality in the matter of the Calcutta Tramways Company's Scheme to extend the services of that Company to points within the jurisdiction of that Municipality?

If not, will the Government veto the resolutions passed by the Cossipore-Chitpur Municipality purporting to sanction the Calcutta Tramways Company's Scheme, and direct that the Cossipore-Chitpur Municipality, at a Special General Meeting convened in accordance with the Bengal Tramways Act, 1883, section 3, should fairly and thoroughly re-consider the two schemes, *viz.*, that of the Calcutta Tramway's Company for a passenger service only, and Babu Nibaran Chunder Dutt's for a combined passenger and goods service in the locality?

Is it not a fact that the Cossipore-Chitpur Municipality have disregarded the express instructions of the Presidency Commissioner and the opinion of the Commissioner of Police as to the public safety and convenience of the last-mentioned scheme, and have ignored the representations of the Mercantile community concerned in the jute trade in its favour?

The Hon'ble MR. CARLYLE replied:—

"The Commissioners of the Cossipur-Chitpur Municipality decided after full consideration that the Calcutta Tramways Company should be allowed to make an application to Government for permission to construct a Tramway to be worked by electric traction within the Municipality, and the Commissioner of the Presidency Division was informed in March last that Government would await the submission of a formal application from the Calcutta Tramways Company. The present Commissioner of the Presidency Division, Mr. Collin, is of opinion that the decision of the Municipal Commissioners should be accepted, though it is understood that one of his predecessors and the Commissioner of Police were in favour of Babu Nibaran Chunder Dutt's scheme which the Municipal Commissioners rejected in favour of that put forward by the Calcutta Tramways Company. The former application of the Calcutta Tramways Company has not yet been submitted to Government. Meanwhile the question is being considered by Government."

PORT HOSPITAL DUES.

The Hon'ble MR. BERTRAM asked:—

Will the Government kindly lay on the table abstracts of the closed accounts of the Port Hospital Dues for the year ended 31st March, 1906, and for the quarter ended 30th June, 1906?

The Hon'ble MR. INGLIS replied:—

"The statements asked for are laid on the table."

Statement of Receipts and Disbursements on account of th

	Receipts.	Repairs of steam-launch and bhoila Pansy.	Salary of Health Officer and Assistant Port Officer.	Exchange compensation allowance.	Establishment.	Office expenses.	Miscellaneous.	Travelling allowance.	Charges for sick seamen sent to Howrah Hospital.	Charges for sick seamen sent to Presidency General Hospital.	Charges for sick seamen sent to Medical College Hospital.	Charges for sick seamen sent to Mayo Hospital.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs.	Rs.	Rs.	Rs. A.
Opening balance	3,46,047 10 10	..	...	...	...	...	...	...	...	...	...	...
April 1906	...	..	2,041 8 0	75 0 0	430 3 3	12 7 6	63 13 0	...	1,184	...	...	...
May	11,366 14 0	..	2,235 0 0	75 0 0	478 0 0	7 0 3	66 14 6	...	1,254	3,976	...	...
June	.....	..	1,973 10 8	7 1 6	466 8 3	324 8 9	145 15 40	367 11 10	878	...	...	213
July	.....	...	1,436 0 0	...	469 0 0	422 2 1	153 15 3	180 0 0	1,018	...	...	...
August	.....	1,391 2 3	1,684 4 4	0 1 0	470 4 0	10 1 0	70 4 0	150 0 0	734	5,284	366	26 2
September	21,567 1 0	77 15 7	1,471 12 5	...	470 4 0	6 6 6	...	263 8 0	716	3,672	783	...
October	16,240 2 0	...	2,201 0 3	191 12 2	469 0 0	119 3 9	3 8 0	...	734	...	...	...
November	16,240 2 0	...	1,589 0 6	...	470 4 0	84 14 0	251 6 3	...	884	s 5,210	922	...
December	17,275 2 0	...	1,914 8 5	...	587 5 9	4 5 0	79 4 6	...	346	3,086	93	...
January 1906	10,838 11 0	760 1 5	1,670 0 0	75 0 0	51 9 10	10 12 3	86 4 0	...	284	...	...	...
February	25,903 1 0	854 6 7	1,600 0 0	...	553 4 0	6 8 0	...	41 8 0	176	1,934	...	...
March	17,317 4 0	2,847 8 0	1,670 0 0	75 0 0	464 10 10	80 5 8	304 11 6	...	184	3,416	479	...
Total ...	1,58,184 6 0	5,914 14 10	31,566 0 0	498 14 2	5,665 5 11	988 10 9	1,330 16 5	972 11 10	8,092	26,382	2,966	39 2
Closing balance ...	.....	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	4,78,182 0 10	...	...	...	...	...	...	...	...	...	...	...

Statement of Receipts and Expenditure on account of the Calcutta

	Receipts.	Repair of steam-launch and bhowlia Pansy.	Salary of Health Officer and Assistant Port Officer.	Exchange compensation allowance	Establishment	Office expenses.	Miscellaneous.	Travelling allowance	Charges for sick seamen sent to Howrah Hospital.	Charges for sick seamen sent Presidency General Hospital.	Charges for sick seamen sent to Medical College Hospital.	Charges for sick seamen sent to Mayo Hospital.	Charges for sick seamen in the Lascadio Asylum.
	R A. P.		Rs. A. P.	Rs.	Rs. A. P.	Rs.	Rs. A. P.		Rs.	R	Rs.		
Opening balance ...	1,71,415 8 8	...	...	...	...	...	...	...	...	...	...	...	...
April 1906	.....	...	1,670 0 0	75	469 11 8	8 4 8	69 1 0	...	414	...	...	...	...
May	11,666 0 0	...	1,603 10 8	...	706 11 6	4 8 0	49 9 6	...	1,184	1,764	94	...	...
June	.....	...	1,665 0 0	75	578 7 8	13 7 0	87 11 9	...	566	5,026	127	...	...
Total ...	11,666 0 0	...	4,938 10 8	150	1,755 13 10	26 3 8	206 6 3	...	2,114	4,790	221	...	...
Closing balance ...	.....	...	.....	...	.....	...	...	...	...	...	...	...	...
GRAND TOTAL ...	1,83,081 8 8	...	.....	...	.....	...	...	...	...	...	...	...	...

Calcutta Hospital Port Dues Fund for the year 1905-1906.

Charges for sick and destitute Lascars in Asylum.	Cost of firewood and coal.	Hire of fixed mooring.	Cost of coal for steam-launch *Relief*.	Dockyard supplies and services.	Grants in aid to Diamond Harbour Dispensary.	Telegrams and postage.	Charges for sick and destitute Lascars in Campbell Hospital.	Pension.	Rents, rates and taxes.	Subscriptions to newspapers and periodicals.	Contribution to the Harpital Institution.	Contribution.	Temporary establishment.	House allowance.	Total.
Rs.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A.	Rs. A.	Rs.	Rs.	Rs. A.	Rs. A. P.	Rs.	Rs.	Rs. A. P.	Rs. A. P.	Rs. A. P.
...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...
...	1	20	...	...	...	...	50	...	...	...	...	...	...	54 13 5	3,937 6 3
...	1	25	...	...	...	17 13	...	...	58 5 5	...	...	...	7 0 0	...	3,264 1 3
...	1	...	...	...	...	...	...	...	...	...	...	...	7 0 0	245 2 7	4,331 5 1
...	...	...	...	...	...	...	...	...	...	44 5 9	...	...	7 0 0	100 0 0	2,780 7 1
...	1	50	...	405 0 0	1,150 5	1 1	...	...	58 5 5	9 0 0	...	...	15 8 0	100 0 0	12,061 13 0
...	1	...	206 8 6	69 15 6	...	3 13	...	...	...	9 0 0	...	...	15 8 0	80 0 0	6,909 13 6
...	1	...	...	...	...	...	...	9	...	...	...	...	8 8 0	80 0 0	3,727 9 7
...	1	75	...	139 3 9	...	6 0	...	9	...	...	...	...	4 1 9	100 0 0	3,961 14 8
...	1	...	111 11 6	118 9 6	...	...	...	9	58 5 5	...	...	...	...	100 0 0	3,741 5 1
...	1	50	98 13 0	167 4 9	...	...	...	9	...	...	...	...	...	...	2,259 13 3
25,000	1	25	110 0 0	...	...	1 1	...	4	58 5 5	...	...	...	...	...	24,248 1 0
...	111	25	350 15 0	231 4 10	180 0	3 0	...	9	...	12 0 0	...	2,00,000	...	...	2,10,397 4 10
25,000	121	275	770 0 0	1,201 6 4	1,330 5	36 13	50	54	233 5 3	74 5 9	4,405	2,00,000	64 9 9	800 0 0	3,06,766 13 3
...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,71,416 3 3
...	...	...	...	..	.	...	...	...	..	..	..	..	..	..	4,78,183 0 10

Hospital Port Dues Fund from April to June, 1906.

Cost of firewood and coal.	Hire of fixed mooring.	Cost of coal for steam-launch *Relief*.	Dockyard supplies and services.	Grant-in-aid to Diamond Harbour Dispensary.	Telegram and postage.	Pension.	Rents, rates and taxes.	Subscription to news papers.	Compensation for dearness of provision.	Contribution.	Temporary establishment.	Fees for disinfection of vessels.	Total.
Rs.	Rs.	Rs. A.	.....	.....	.....	Rs.	Rs. A. P.	.....	Rs. A. P.	...	Rs. A. P.	Rs.	Rs. A. P.
1	.....	...	... ..	... ..	6 1	9	.....		91 1 8	....	.....	.....	3,613 3 1
1	25	...	... ..	... ..	... ..	9	... ..	... ..	.....	... ..	4 14 5	.....	3,295 6 1
1	24	164 4	.....	...	... ..	19	58 5 5	.....	...	.....	17 1 0	210	6,663 4 4
3	50	164 4	.....	.	6 1	37	58 5 5	... ...	91 1 8	... ...	21 15 5	210	14,661 13 6
.....	.....	...	.....	.....	.	.....	.....	.....	...	.....	.....	.....	1,66,219 6 11
.....	.....	.....	.....	....	.....	...	.....	.....	.....	.....	.... ..	.....	1,85,061 3 3

[*Mr. Bertram; Mr. Inglis.*]

THE BOILER FUND.

The Hon'ble MR. BERTRAM asked:—

(*a*) Will the Government kindly state the full amount standing to the credit of the Boiler Fund in its hands on 31st March last, and the surplus accruing to the Fund from the working for the year ended 31st March, 1906?

(*b*) Is there any objection to lay on the table a full statement of accounts to 30th June, 1906?

(*c*) Is it a fact that the expenses of the Smoke Commission were debited to the Boiler Fund, and is it intended to charge the Fund with the fees of the Commissioners appointed under the Smoke Nuisances Act?

(*d*) If so, under what authority have such charges been debited or will be debited to the Boiler Fund?

The Hon'ble MR. INGLIS replied:—

"(*a*) The treasury accounts for 1905-06 have not been finally closed yet; but, as at present ascertained, the balance at credit of the fund on 31st March, 1906, was Rs. 87,389-4. The opening balance on 1st April, 1905, was Rs. 85,210-11-11, the surplus on the working of the year thus being Rs. 2,178-8-1.

"(*b*) The statements of receipts and disbursements for the months of April, May and June, 1906, are placed on the table.

"(*c*) Expenditure in connection with the Smoke Commission during the current year has been temporarily debited to the Boiler Fund, as a separate head of account was not provided in the Provincial Budget for the current year. This will be provided for in the revised estimates for the current year, and the expenditure on the Smoke Commission will be written back and adjusted as a charge against Provincial Revenues."

STEAM PILOT VESSEL FOR THE SANDHEADS.

The Hon'ble MR. BERTRAM asked:—

Has the Government yet decided to allot funds in the Budget of 1907-1908 for the provision of a second steam pilot vessel at the Sandheads? If not, why not?

The Honble MR. INGLIS replied:—

"Government is alive to the importance of providing a second steam pilot vessel and it will be ordered as soon as the state of the Provincial finances permits of the necessary outlay being met. The Budget for 1907-08 will not come under consideration till December."

IMPROVEMENT OF TOLLY'S NULLAH.

The Hon'ble MR. BERTRAM asked:—

Will the Government kindly declare their policy regarding the improvement of Tolly's Nullah with a view to make that waterway more generally useful to the trade of Calcutta?

In the meantime will instructions be issued to the officer in charge to do all that is possible to keep the channel open to allow of the passage of boats carrying rice and other produce up and down the Nullah at any state of the tide?

The Hon'ble MR. INGLIS replied:—

"In May, 1904, this Government submitted to the Government of India a scheme for a canal from the Bidyadhari river to the Hooghly, to be of size sufficient to accommodate the steamers and flats which ply to Assam. This scheme involves the canalization of Tolly's Nullah. The cost was roughly estimated at Rs. 1,55,00,000, including charges for plant and for establishment.

[*Mr. Inglis; Mr. Bertram; Mr. Carlyle.*]

"The Government of India in August, 1904, intimated that while they agree that it is desirable to improve Tolly's Nullah, the outlay proposed was too great to allow of the acceptance of the scheme. The matter then remained in abeyance. Last January the Government of India asked that certain alternative proposals in connection with the scheme might be considered. This has been done and a report has recently been sent to the Government of India.

"This Government is anxious to carry out the scheme if it can be brought within practicable financial limits.

"Tolly's Nullah under existing conditions must remain liable to interruptions of traffic. It rapidly shoals at the point where the tides which enter from both ends meet. There is not enough space to use dredgers, and to clear the shoal it is necessary to block and de-water the channel. This has been done quite recently at a cost of Rs. 33,000, and it will have to be re-done after two years.

"It is a physical impossibility to keep the channel open at all states of the tide. It is with difficulty that it is kept open at high tide. The importance of the channel to the rice trade is well known, and what can be done at reasonable cost will be done."

FISHERIES IN BENGAL.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state what progress has been made towards instituting a thorough investigation into the fisheries around the coasts and in the inland waters of Bengal as promised by His Honour Sir Andrew Fraser in his speech on the last Bengal Budget?

The Hon'ble MR. CARLYLE replied:—

"Mr. K. G. Gupta, Member of the Board of Revenue, has been appointed to make inquiries into the possibility of improving and developing the fisheries in Bengal. A copy of this Government letter No. 1780T.R., dated the 26th July, 1906, containing the instructions which have been issued to him on the subject, is laid on the table."

UPKEEP OF NAVIGABLE CHANNELS BETWEEN CALCUTTA AND EASTERN BENGAL.

The Hon'ble MR. BERTRAM asked:—

(*a*) Will the Government be pleased to state if it can see its way to recommend to the Supreme Government the creation of a special Department of the Public Works, as suggested in Council by the Hon'ble Mr. Nimmo, to deal with the Ganges-Brahmaputra-Megna System of Rivers and their connected Canals, which department should be responsible for all surveys, dredging schemes, and general upkeep of the navigable channels?

(*b*) In view of the importance of the subject to the community in general and the necessity of securing continuity of policy, if there is to be any real progress in the development of Eastern Bengal and Assam Waterways on the lines of other countries, will the Government be pleased to discourage as much as possible changes of *personnel* in the Irrigation Department within its jurisdiction; and also will the Government bring its good offices to bear on the Government of Eastern Bengal and Assam to the same end?

The Hon'ble MR. INGLIS replied:—

"(*a*) This important question has been considered by this Government. As at present advised, the Lieutenant-Governor is inclined to advocate that a Committee should be appointed to investigate the requirements of trade, the possibilities of the channels and the outlay involved, and that a special staff should be employed on such works as may be found feasible.

"(*b*) A Joint Committee has already been appointed to advise Government on questions relating to the channels between Calcutta and Eastern Bengal. On this Committee the Government of Eastern Bengal and Assam is represented and so are the Steamer Companies. It is hoped that this will tend to insure a continuity of policy. Changes in the *personnel* of the staff are and will be avoided as far as practicable."

THE RANCHI MODEL COLLEGE.

The Hon'ble MR. CHAUDHURI asked:—

(*a*) Will the Government be pleased to state how far the Ranchi Model College scheme has progressed?

(*b*) Are the College and School buildings and the Boarding Houses under actual construction, and, if so, what progress has been made in respect of each?

(*c*) How much has been spent by Government up to now on the proposed College scheme, and how much public subscription has been promised and collected for the same?

(*d*) Is there any foundation for the announcement in the public Press that the Secretary of State has withheld his sanction to the Ranchi Model College scheme?

The Hon'ble MR. RICHARDSON replied:—

"(*a*) The answer to the first of the series of questions put by the Hon'ble Member is contained in the answers which I am about to give to the remaining questions.

"(*b*) There are no buildings under actual construction.

"(*c*) It has been ascertained that up to date the preliminary expenditure in connection with the proposed Model or Arts College at Ranchi amounts to Rs. 28,000 (for materials). No actual award has been made in connection with the acquisition of land.

"The subscriptions to the College scheme which have been promised amount to Rs. 3,12,897, of which Rs. 2,48,897 have been paid and are in deposit in the Bank of Bengal.

"(*d*) From the correspondence which has been published in the daily Press, it will appear that the proposal has not been referred to His Majesty's Secretary of State."

THE NORTHERN SALT LAKE.

The Hon'ble MR. CHAUDHURI asked:—

(*a*) Is it not a fact that the Northern Salt Lake has long been regarded as a source of danger to the health of the Northern Calcutta and the suburbs?

(*b*) Has not that danger greatly increased of late by its being converted into a receptacle for the deposit of solid sewage of Calcutta?

(*c*) Have not the constructions of the fishory *bheries* materially obstructed the free drainage of the suburbs?

The Hon'ble MR. INGLIS replied:—

"(*a*) & (*b*) This is a matter regarding which there is a divergence of opinion and Government is not at present advised that there is any danger to the health of Calcutta from the Salt Lakes.

"(*c*) The existence of the fishery *bheries* cannot be said to obstruct the drainage of the suburbs. The *bheries* have been in use for many years and are not of recent construction."

[*Mr. Chaudhuri; Mr. Inglis.*]

THE DANTIA KHAL.

The Hon'ble MR. CHAUDHURI asked:—

(*a*) Will the Government be pleased to state the cause of the deterioration and the silting up of the Dantia Khal in the Baranagore Municipality, and is it not a fact that the health of the area has suffered greatly consequent to the silting up of the khal?

(*b*) Is it not the case that the Northern Salt Lake can be reclaimed with considerable improvement in the health and drainage of the North and the North-East suburbs of Calcutta without the least interference with the Calcutta sewage system?

(*c*) Is not the improvement of these suburbs urgent for the housing of the poor who are constantly being unhoused and are likely to be unhoused in larger numbers by the Town Improvement Scheme?

The Hon'ble MR. INGLIS replied:—

"(*a*) The silting of the Dantia Khal is due to natural causes. The flood tide brings up silt which the ebb tide is unable to carry back completely. There is no information before Government to indicate that the silting of the khal has been injurious to the health of Baranagore. Administrative sanction has been given by Government to a scheme for the better drainage of this Municipality.

"(*b*) In the opinion of Government it is improbable that the Northern Salt Lake could be reclaimed without interfering with the outfall of the Calcutta sewage system. The reclamation would not, in itself, have any effect on the drainage of the suburbs.

"(*c*) It is certainly desirable to improve the suburbs of Calcutta, and this is a matter which will continue to receive attention."

THE SUBURBAN DRAINAGE.

The Hon'ble MR. CHAUDHURI asked:—

Will the Government be pleased to lay on the table a brief note setting out the views and opinions of Colonel Randall, Colonel Haig, Mr. Whitfield, Mr. Hughes, Mr. Vertannes, Mr. Buckley and Mr. Horn regarding the improvement of the suburban drainage and the reclamation of the Salt Lakes?

The Hon'ble MR. INGLIS replied:—

"A copy of a volume of selections from the Records of the Bengal Government containing papers from 1865 to 1904, relating to the Circular and Eastern Canal, is laid on the table. In this the correspondence relating to proposals for the reclamation of the Northern Salt Lake is given at length."

THE LOWER GANGES CANAL.

The Hon'ble MR. CHAUDHURI asked:—

Will the Government place on the table a brief note as to how the drainage questions of the Presidency Division were proposed to be dealt with in connection with the Lower Ganges Canal Project by Colonel Searle, Mr. Long, Mr. Kimber and Mr. Hughes?

The Hon'ble MR. INGLIS replied:—

"The project for the Lower Ganges Canal was for a navigable canal. The drainage problems of the Presidency Division were not dealt with in it."

[*Mr. Chaudhuri; Mr. Inglis.*]

THE SALT LAKE CHANNEL.

The Hon'ble MR. CHAUDHURI asked:—

Considering the fact that the deterioration of the Salt Lake Channel is fast going on, will the Government consider the advisability of the construction of an out-fall sluice near Haroa and connect it with Haroa Gang (River), a few miles north of Kulti Lock ?

The Hon'ble MR. INGLIS replied:—

"It is not fully understood how the proposal submitted would bear on the improvement of the Salt Lake channel. The Government will be glad to consider any proposals which may be calculated to effect the improvement of that channel."

LEVELS OF THE WATER IN THE HOOGHLY AT BARANAGORE, &c.

The Hon'ble MR. CHAUDHURI asked:—

(*a*) Will the Government be pleased to state the levels in reference to mean sea datum of the highest and the lowest water during flood season of Hooghly at Baranagore and of the Haroa Gang at Haroa ?

(*b*) Will the Government be pleased to lay the above question for the consideration of the Commission appointed for enquiry into the drainage of the Presidency Division and appoint a drainage expert with local knowledge to assist the deliberation of the Commission ?

The Hon'ble MR. INGLIS replied:—

"(*a*) Information regarding the exact levels of the water in the Hooghly at Baranagore is not available. A statement is, however, laid on the table which gives the comparative levels of the water at Chitpur and at Haroa for the period mentioned.

"(*b*) The Drainage Committee will consider all schemes for drainage brought before it, and will seek assistance from local officers or other persons having any special acquaintance with drainage questions."

Highest levels of the Hooghly river at Chitpur.

	July.	August.	September.
1901	12·65	15·00	16·00
1902	12·65	15·75	15·50
1903	13·50	15·75	16·00
1904	15·00	17·75	17·50

Highest levels of the Haroa Gong at Haroa.

	July.	August.	September.
1905	9·62	9·72	8·72

Lowest levels of the Hooghly river at Chitpur.

	July	August.	September.
1901	− 0·10	+ 1·48	+ 1·90
1902	− 0·85	+ 2·65	+ 2·48
1903	− 0·26	+ 0·40	+ 2·32
1904	+ 0·90	+ 4·40	+ 2·74

Lowest levels of the Haroa Gong at Haroa.

	July	August.	September.
1905	− 0·08	+ 1·02	+ 1·02

The levels are above or below mean sea level.

[*Mr. Chaudhuri; Mr. Carlyle; Mr. Richardson.*]

THE DARJEELING MURDER CASE.

The Hon'ble MR. CHAUDHURI asked:—

Has the attention of the Government been drawn to the judgement of the High Court in the Darjeeling murder case and the comments therein of the conduct of the Police in connection with the case? Will the Government take such measures as would serve as a warning against the recurrence of such negligence and similar questionable conduct and practices on the part of investigating officers?

The Hon'ble MR. CARLYLE replied:—

"The attention of Government has been drawn to the judgement of the High Court in the Darjeeling murder case and full consideration will be given to the matter with a view to the issue of such orders as may appear to be advisable."

THE SAMBALPUR CIVIL COURTS BILL, 1906.

The Hon'ble MR. RICHARDSON moved for leave to introduce a Bill to declare the law relating to Civil Courts in the district of Sambalpur. He said:—

"The law under which the Civil Courts in the district of Sambalpur are now constituted is the Central Provinces Courts Act of 1904, with certain modifications introduced by the Bengal and Assam Laws Act of 1904. The object of the present Bill is stated in the Statement of Objects and Reasons appended to it, and I have little to add. The arrangements in force are not only anomalous, but in some respects unworkable, as a single instance will show. The effect of the Bengal and Assam Laws Act is to substitute for the words 'Judicial Commissioner of the Central Provinces,' wherever those words occur in the Central Provinces Act, the words 'High Court of Judicature at Fort William in Bengal.' Now one provision of the Central Provinces Act runs as follows:—'The Judicial Commissioner shall be appointed by the Governor General in Council.' The substitution of the High Court for the Judicial Commissioner in this provision is obviously incompatible with the constitution of the High Court. In view of this and other results of the present state of the law, the Hon'ble Judges have pressed the Government to undertake legislation and to push it through as fast as possible. The Bill which I ask leave to introduce has been framed in consequence, and, I may add, has received the approval of the High Court."

The Motion was put and agreed to.

The Hon'ble MR. RICHARDSON introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to, and the Secretary accordingly read the title of the Bill.

The Hon'ble MR. RICHARDSON also moved that the Bill be taken into consideration. He said:—

"The List of Business gives two separate motions, one for suspension of the Rules of Business to admit of the Bill being considered and passed at this meeting, and the other for the consideration of the Bill.

"If notice had been given before this meeting that any amendment would be moved, objection might have been taken under Rule 44 to the immediate passing of the Bill.

"No notice, however, having been given of an intention to propose any amendment, it is unnecessary to suspend any rule, for the Rules allow the course

it is now proposed to follow and which it is desirable to adopt in view of the urgency of the case. As I have said, the Hon'ble Judges of the High Court have expressed the wish that the Bill should be passed with the least possible delay. I beg, therefore, to move that the Bill be taken into consideration."

The Motion was put and agreed to.

The Hon'ble MR. RICHARDSON also moved that the Bill be passed.

The Motion was put and agreed to.

The Council was then adjourned *sine die*.

CALCUTTA ;
The 30th August, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

B. S. Press—1350—350—16-9-1906—C. C. G

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 10th November, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. P. O'KINEALY, Advocate-General of Bengal.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. W. A. INGLIS.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble MR. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAN BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. SYED SHURFUDDIN.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

NEW MEMBERS.

The Hon'ble MR. P. O'KINEALY and the Hon'ble BABU JOGENDRA CHANDRA GHOSE took their seats in Council.

[*The President; Mr. Syed Shurfuddin.*]

THE LATE HON'BLE BABU NALIN BEHARI SIRCAR, C.I.E.

The Hon'ble the PRESIDENT said :—"I am sure that it will appear right to the Council that, before proceeding to the business of the day, I should refer briefly to the loss which the whole community has sustained in the death of Babu Nalin Behari Sircar. When I left for England, he was still a Member of this Council; and though I knew that he was not in good health, I had little thought that one of the first things which I should hear after my return would be the news of his death.

"I need not dwell in this place on the services rendered to the community by Babu Nalin Behari Sircar; for they are as well known to you as to me. I made his acquaintance very soon after my arrival in Calcutta three years ago. From the first I came under the charm of his winsome and courteous manners; and from the first I realised his great capacity and his desire to advance the public interest. From the first therefore he became one of my most highly esteemed advisers.

"In innumerable ways he privately and unostentatiously showed his devotion to the public good; and his kindliness and benevolence are well known. He also publicly co-operated with Government in the work of the Port Commissioners; and his fellow Commissioners indicated their respect for and confidence in him, by appointing him to represent them on the Corporation where his work was of great value. The Corporation in turn elected him to be a Member of this Council; and during all the time that he served with us, he worked with us heartily, and was highly esteemed among us. He rendered me assistance of special value as a member of the Conference on the Calcutta Improvement Scheme; and on many occasions he showed himself to be a colleague, as I have already indicated, worthy of the very highest respec[t] [h]e came to me freely to discuss public questions; and, though we som[e]times differed in opinion, our relations were always most cordial.

"The high position which he occupied in the respect of the communi[ty] indicated by his selection to the office of Sheriff; and the appreciati[on] Government of his valuable public services was indicated by his appoi[nt]ment by His Majesty the King-Emperor to be a Companion of the Most Ex[alted] Order of the Indian Empire.

"I am sure that every Member of this Council concurs with me w[ish]ing to give expression to our deep regret at the loss of our friend and late colleague, and I am sure also that the Council will desire that I should communicate the expression of our sympathy with his widow and children and his aged mother in the sore bereavement which they have sustained."

QUESTIONS AND ANSWERS.

RESOLUTION BY THE GOVERNMENT OF BOMBAY REGARDING JUVENILE OFFENDERS.

The Hon'ble MR. SYED SHURFUDDIN said:—

I beg to draw the attention of this Government to a Resolution passed by the Government of Bombay and issued in a press note, suggesting to all Magistrates the desirability of ordering special arrangements (*i*) for the detection of under-trial juvenile offenders; (*ii*) for the speedy disposal of such cases, and (*iii*) for separation within the precincts of their Courts of all juvenile offenders who may be brought before them; and drawing the attention of the Magistrates to section 562 of the Criminal Procedure Code, and section 31 of the Reformatory Schools Act, 1897, which give Magistrates ample power of dealing suitably with juvenile petty offenders, while their other powers under the Reformatory Schools Act, and the Whipping Act probably enable them to deal with more serious offenders without having recourse to the punishment of imprisonment: and to ask the Government if it will consider the advisability of issuing orders on similar lines to the Magistrates of Bengal?

[*Mr. Richardson; Mr. Syed Shurfuddin; Mr. Carlyle; Mr. McIntosh.*]

The Hon'ble MR. RICHARDSON replied:—

"The Government of Bombay will be requested to favour this Government with a copy of the Resolution to which the Hon'ble Member refers. When this is received this Government will consider whether it should take action on similar lines.

"I may tell the Hon'ble Member that a rule in the Jail Code provides for the segregation of under-trial prisoners, male and female, and for the separation of male under-trial prisoners under the age of 18 from other prisoners, and of those under such age who have attained the age of puberty from those who have not.

"After the existing Criminal Procedure Code was passed, the attention of Magistrates was directed to the provisions of section 562. Further measures to ensure that no juveniles are unnecessarily detained in a Reformatory School are under consideration."

TRANSFER OF SUB-DIVISIONAL HEAD-QUARTERS FROM RAJMAHAL TO SAHEBGANJ IN THE SONTHAL PARGANAS.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state if it intends to transfer the Sub-divisional Head-quarters from Rajmahal to Sahebganj in the district of the Sonthal Parganas?

If so, will the Government be pleased to state what new circumstances have transpired to necessitate such a change since, in reply to a question on the subject by the Hon'ble Rai Bahadur Tarini Prasad, four years ago, the Government was pleased to declare that it had no such intention?

The Hon'ble MR. CARLYLE replied:—

"Attention has recently been drawn again to the proposal made some years ago to transfer the Sub-divisional Head-quarters from Rajmahal to Sahebganj, in the district of the Sonthal Parganas. But the Government has not yet had the opportunity of re-considering the proposal, and will certainly not pass any orders in regard to it without hearing all that can be urged against it."

REPORT OF THE COMMITTEE REGARDING THE PAY AND PROSPECTS OF MINISTERIAL OFFICERS.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state if it has received the final report of the Committee appointed to inquire into, and report on, the present pay and prospects of the ministerial officers and to suggest means for their improvement?

If the report has been received, will the Government be pleased to publish it for general information, and to state what action the Government is going to take on the report, and when?

The Hon'ble Mr. MCINTOSH replied:—

"The report has been received and is at present under the consideration of Government. It cannot at present be published."

[*Mr. Syed Shurfuddin; Mr. Carlyle.*]

FLOODS IN NORTH BIHAR.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to lay on the table the reports which this Government has submitted to the Government of India on the recent floods in North Bihar?

In view of the facts that the recent floods in North Bihar have caused serious damage to the standing crops, that the outturn of the *Bhadoi* crops is expected to be much below the normal, that on account of the September rainfall in Bihar having been less than half of the normal average (the normal average is 9·40 and the actual for September, 1906, is 4·56, *vide* Calcutta Gazette of the 17th October last), the winter paddy crops cannot be expected to be a bumper one, and that this year there has been an unusually large export of food-grains from Bihar into East Bengal, will the Government be pleased to state whether it apprehends a famine or a severe scarcity in Bihar in the near future, and, if so, what steps the Government proposes to take to meet the situation?

If the information now before the Government does not enable it to give a definite reply to the above question, will the Government be pleased to institute an early and careful inquiry into the matter and publish the result of such an inquiry for the assurance of the public?

The Hon'ble MR. CARLYLE replied:—

"With reference to the Hon'ble Member's Questions, I am directed to lay on the table the reports submitted by this Government to the Government of India on the recent floods in North Bihar. Famine has been declared in the Roserha and Bahora thanas of Darbhanga, and will probably have to be declared in other thanas later on. So far as our information now goes, it is not certain that famine will have to be declared in any other Bihar district, but the state of things is being carefully watched. Test works have been opened both in Muzaffarpur and in Saran, and if they show that famine conditions exist, famine will at once be declared wherever severe distress is likely to prevail."

BHADOI CROPS OF BENGAL.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state upon what authority the Director of Agriculture bases his preliminary forecast of the *Bhadoi* crops of Bengal (published in the Calcutta Gazette of the 17th October last), in which he says that "on the whole 75 *per cent.* of a normal outturn may safely be expected?"

Will the Government be further pleased to state fully the process by which the Director of Agriculture has got the information on which he bases his report?

The Hon'ble MR. CARLYLE replied:—

"The Hon'ble Member is referred to the Forecast itself as published in the Gazette with the details received from each district in the Appendix. This will probably give him all the information he requires. If not, the Director of Agriculture will be glad to give him any further information.

"The Hon'ble Member will find the answer to the second part of his question in Chapter II of the Manual of Rules for the preparation of Crop Reports and Agricultural Statistics issued under the authority of Government."

[*Mr. Bertram; Mr. Inglis; Mr. McIntosh; Mr. Richardson.*]

TOLLY'S NALLAH CANAL.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if a statement can now be laid on the table explaining the present position of the Tolly's Nallah Canal project?

The Hon'ble MR. INGLIS replied:—

"The Lieutenant-Governor is unable to add to the statement made in answer to the question on this subject which was asked at the meeting of the Council on the 18th August last. The matter is under discussion with the Government of India."

LOCAL FUNDS RELATING TO TRADE AND COMMERCE CONTROLLED BY GOVERNMENT.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state what other funds besides the Boiler Fund, the Pilotage Fund and the Port Hospital Dues Fund, relating to Trade and Commerce, they at present control, and if there is any valid reason why the accrued balances at credit of the three named funds, in addition to any others controlled by Government, should not be invested in interest bearing securities?

The Hon'ble MR. INGLIS replied:—

"The Fire Brigade Fund and the Orissa Ports Fund, which are excluded local funds, are controlled by Government. The Inland Labour Transport Fund is an Incorporated Local Fund and is also controlled by Government. The question of the best method of dealing with the balances of the Funds referred to in the Hon'ble Member's question will be further considered."

THE CALCUTTA IMPROVEMENT SCHEME.

The Hon'ble MR. BERTRAM asked:—

Can the Government make a statement as to the present position of the "Calcutta Improvement Scheme," and when is a Bill on the subject likely to be introduced into this Council?

The Hon'ble MR. MCINTOSH replied:—

"The scheme is still under the consideration of the Governments of India and Bengal. It is impossible to give any definite reply to this question at present."

ST. PAUL'S SCHOOL AT DARJEELING.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if they intend to take over St. Paul's School at Darjeeling from the present governing body, and, if so, on what terms and conditions?

The Hon'ble MR. RICHARDSON replied:—

"Government has no intention of taking over St. Paul's School from the governing body. Proposals are, however, under consideration which may lead to a change in the constitution of that body."

[*Mr. Bertram; Mr. Carlyle; Mr. Inglis; Babu Bhupendra Nath Basu.*]

FISHERY INVESTIGATION SCHEME.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to state if, after Mr. K. G. Gupta's present mission is ended, they intend to organize a Fishery Investigation Scheme somewhat similar to that instituted by the Madras Government?

The Hon'ble MR. CARLYLE replied:—

"Mr. K. G. Gupta has been placed on special duty by the Bengal Government for six months so as to commence an inquiry regarding Bengal fisheries; but as it is recognized that this time is insufficient for the completion of his inquiries, the Government of India have been asked to allow his deputation to be extended and to select an expert from England to be associated with him in his inquiries."

A SECOND STEAM PILOT VESSEL.

The Hon'ble MR. BERTRAM asked:—

Can the Government now state if they are to make provision in the next Budget for the cost of a second pilot steamer?

The Hon'ble MR. INGLIS replied:—

"Subject to the approval of the Government of India, it is proposed to provide funds for the second steam pilot vessel in the Budget for next year."

MR. PROTHERO AND THE PRINCIPALSHIP OF THE PRESIDENCY COLLEGE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

(*a*) Will the Government be pleased to state the grounds on which it has superseded Mr. Prothero in the recent officiating appointment of the Principal of the Presidency College?

(*b*) Is it not the fact that Mr. Prothero had once before officiated as Principal of the Presidency College for a period of six months?

(*c*) Was any fault found with Mr. Prothero's Principalship of the Presidency College?

(*d*) Is it a fact that after Mr. Prothero had acted as Principal of the Presidency College, or at any other time, he was very strongly recommended by Sir Alexander Pedler, the late Director of Public Instruction, for the post of the Director of Public Instruction, Punjab?

(*e*) Is the Government aware that Mr. Prothero was very popular with the professors and the students during the time that he held the office of the Principal of the Presidency College and he enjoyed the complete confidence of the students?

(*f*) Is the Government aware that all the Anglo-Bengali newspapers have regretted the supersession of Mr. Prothero and ascribed the same to his well-known attitude of sympathy towards the Indian students?

(*g*) Does the Government think it conducive to the interests entrusted into the hands of the officers of the Education Department to arbitrarily supersede senior officers towards the close of their service?

[Mr. Richardson; Babu Bhupendra Nath Basu.]

The Hon'ble Mr. RICHARDSON replied:—

"I cannot undertake to answer the Hon'ble Member's long series of questions categorically and I much regret being called upon to make in public a comparison between the merits of the two officers referred to. The task is an invidious one, but the Hon'ble Member leaves me no option.

"The Principalship of the Presidency College is one of the most important posts in the Education Department, and in filling that post the claims of seniority must be subordinated to the principle of selection, and personal considerations to the interests of the public service. The appointment of Mr. Little to officiate as Principal was made after a most careful consideration of the circumstances of the case. Mr. Prothero was not lightly passed over, but Mr. Little was preferred because he was thought to possess qualifications for the post which are not to be found in Mr. Prothero.

"It is true that Mr. Prothero once acted as Principal without exciting adverse comment. No fault was found with his Principalship, but the present issue does not depend on a comparison of faults but on a comparison of merits. The conditions now are changed. Proposals for the improvement of the Presidency College are likely to come under consideration, and it was felt that Mr. Little possessed in a superior degree the abilities which the situation requires. In brief, Mr. Little was selected on the ground of fitness for the post and in the interests of the public service. The selection was in no sense arbitrary. It was made by one Lieutenant-Governor and endorsed by another. It was made in the exercise of the discretion vested in the Government and with a full sense of responsibility.

"I conceive that a proper application of the principle of selection is necessary to the efficiency, and promotes the interests, of every public department. If the post in question is, as I think the Hon'ble Member will admit it is, of sufficient importance to justify the application of that principle, then I think that no fault can be found with the action which the Government has taken.

"I am not aware that Mr. Prothero was recommended by Sir Alexander Pedler for the post of Director of Public Instruction in the Punjab; nor am I aware why, if the recommendation was ever made, it was not accepted.

"As regards the newspapers, they do not perhaps afford the best means of discussing an entirely personal issue. The suggestion that Mr. Prothero was superseded because he was popular and enjoyed the confidence of the students is absolutely without foundation. I regret that the Hon'ble Member has thought it consistent with the dignity of this place to repeat the suggestion to-day."

RULE REGARDING OFFICIATING PERIODS OF SERVICE COUNTING TOWARDS PENSION.

The Hon'ble BABU BHUPENDRA NATH BASU said:—

The Government was pleased, in answer to a question put by the Hon'ble Babu Ambika Charan Mazumdar, in March last, to state "that the question of amending the rule according to which officiating periods of service cannot be counted towards pension is already under consideration, and the Government hopes to be able to make a definite pronouncement regarding it at an early date," and on the occasion of the last Budget debate, the Hon'ble Mr. Richardson was pleased to observe as follows:—"Government has under its consideration certain proposals for improving the conditions of service as regards the rules regulating leave and pension." Will the Government be pleased to state if any definite conclusion has been arrived at on this subject, and, if so, will the Government be pleased to make the promised pronouncement?

[*Mr. Richardson; Babu Bhupendra Nath Basu; Mr. McIntosh; Mr. Carlyle; Babu Jogendra Chandra Ghose.*]

The Hon'ble MR. RICHARDSON replied:—

"The proposals referred to are still under consideration in communication with the Government of India."

MINISTERIAL OFFICERS' SALARIES COMMITTEE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

As the Ministerial Officers' Salaries Committee presided over by the Hon'ble Mr. Slacke has made its report, will the Government be pleased to state when the necessary resolution will be issued on the subject so that all ministerial officers may get the benefit which the Government has been pleased to grant to a selected number?

The Hon'ble MR. MCINTOSH replied:—

"The question has already been answered in the reply to the question of the Hon'ble Mr. Shurfuddin."

NOMINATION BY THE SYNDICATE OF M.A.'s TO THE PROVINCIAL SERVICE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Owing to the period when the new system of appointment to the Subordinate Provincial Service was introduced, the M. A.'s of 1903 and the B. A.'s and B. Sc.'s of 1904 were excluded from nomination by the Syndicate, the Government was pleased to give an assurance at the meeting of the Council held on the 19th August, 1905, that in the event of the Provincial Service cadre being increased, two or three distinguished M. A.'s of 1903 and B. A.'s of 1904 recommended by the Syndicate should be appointed? Owing probably to oversight, this assurance was not carried out at the last increase of the cadre. Will the Government be pleased to state if it will take any steps to rectify this omission?

The Hon'ble MR. CARLYLE replied:—

"One M. A. of 1903 will be appointed this year and another will get an appointment next year."

LEGISLATIVE MEASURES IN THE LEGISLATIVE COUNCILS OF BENGAL AND EASTERN BENGAL AND ASSAM.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*1*) Has the Government considered whether any measures may be taken to prevent the anomaly that will immediately arise by the amendment of some of the Bengal Acts now in force in both Bengals, by this Council and of others by the Legislative Council of Eastern Bengal?

Is it possible to provide that the Statute Book of the existing Bengal Acts may not be different by amendment or repeal in the two provinces creating great confusion in the administration of justice?

(*2*) Has the attention of the Government been drawn to the proposed amendment of some of the most important Bengal Acts by the Legislative Council of Eastern Bengal? In case of such amendment, does this Government also propose to bring forward Bills to adopt the alterations made in the law by the other Legislative Council?

[*Babu Jogendra Chandra Ghose; Mr. Carlyle; Mr. Inglis.*]

(*3*) Is it not possible for the two Legislative Councils to act in concert in order to keep the law in the two Bengals identical, and thus allay the popular apprehension on the score of there being different laws in the two Bengals?

The Hon'ble MR. CARLYLE replied:—

"In reply to parts (*1*) and (*3*) of this question the Governments of two Provinces consult freely as to any legislative action to be taken, and are made fully acquainted with each other's proposals and intention. But it would be absurd to say that the circumstances of the two provinces are identical to such a degree as necessarily to demand precisely the same measures in every instance.

"(*2*) The Hon'ble Member does not specify the measures which he has in view; and the question is too vague to permit of a definite answer."

JUDICIAL SERVICES IN BENGAL AND EASTERN BENGAL AND ASSAM.

The Hon'ble BABU JOGENDRA CHANDRA GHOSH asked:—

Is it a fact that by the division of the Judicial Service, there will be a larger proportion of Subordinate Judges to Munsifs in Western Bengal than in that part of the service that may be allotted to Eastern Bengal to the disadvantage of the latter?

Will the Government be pleased to state the reasons or lay on the table papers showing the reasons for dividing a service which is for all practical purposes under the High Court?

The Hon'ble MR. CARLYLE replied:—

"The question of separating the Judicial services of this Province and Eastern Bengal and Assam is still under consideration. No papers can be laid on the table at present."

SHIP CANAL FROM THE HOOGHLY TO BIDYADHARI.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state whether there is any chance of the proposed Ship Canal from the Hooghly to the Bidyadhari which has been approved by it, as greatly facilitating the navigation of steamers and boats plying between Western and Eastern Bengal, and as improving the drainage and sanitation of the District of 24-Parganas, being taken up in the near future?

The Hon'ble MR. INGLIS replied:—

"The Hon'ble Member is referred to the answer already given to the question on the same subject asked by the Hon'ble Mr. Bertram."

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE moved for leave to introduce a Bill to amend and supplement the Bengal Tenancy Act, 1885. He said:—

"I will explain the Bill when I am being called on to move the next motion."

The Motion was put and agreed to.

The Hon'ble MR. CARLYLE then introduced the Bill, and moved that it be read in Council. He said:—

"Your Honour: the Bill which I have the honour to introduce to-day has been preceded by four Acts amending the Bengal Tenancy Act of 1885. The only one of general importance passed up to the present is Bengal Act III of 1898. It dealt mainly with the settlement of rents, as the procedure laid down by the Act of 1885 had been found unworkable where rents were being settled on a large scale.

"The discussions which led up to the present Bill may be said to have commenced in May, 1901, when the Board submitted a copy of a judgment given by the Special Judge of Darbhanga accepting a compromise between a raiyat and his landlord as validating an enhancement of rent which the raiyat would have been unable to validate by a contract between himself and his landlord. A short time before this, in December, 1900, the British Indian Association submitted a representation to Government on the subject of the difficulties which landlords encounter and the hardship, harassment and loss they undergo in the matter of collection and recovery of rent and cesses. The Association suggested a number of amendments of the Tenancy Act in connection with their representation. A reply was sent to this letter by the Bengal Government in May, 1902, refusing in the main to accept the suggestions made. In September, 1902, the Board of Revenue submitted for the consideration and orders of Government a letter from the Director of Land Records bringing to notice the rareness of cases in which the records of survey and settlement proceedings were examined before decrees were given by Civil Courts for higher rents than were recorded in the khatians after careful inquiries by Revenue-officers. On receipt of this letter the Bengal Government asked the Board of Revenue to consider a suggestion that a landlord should be required either by law or by rule to file a copy of the settlement khatian in every rent suit. The Board of Revenue replied in August, 1904, dealing with the whole question of the disregard by the Civil Courts of settlement proceedings. A few days later the Board submitted for the information of Government a copy of correspondence with Commissioners of Divisions regarding the necessity of legislation to protect raiyats from illegal or undue enhancement of rents. The question of the necessity of amending the Tenancy Act was considered by all the Commissioners of this province at meetings held in September, 1904. The great majority of the Commissioners were of opinion that it was necessary to give weak and subservient tenants increased protection from illegal and undue enhancement of rents in Court and out of Court. After considering various reports and the opinions of the Commissioners a draft Bill was circulated for opinion by the Bengal Government on the 29th of November, 1904. This Bill was a very short one dealing with the maintenance of the record-of-rights, the enhancement of rents, and a record of rights in water used for agricultural purposes. The Bill was subjected to a good deal of hostile criticism and it was decided by the Lieutenant-Governor, before proceeding with the amendment of the Tenancy Act, to appoint a Committee to consider certain important questions connected therewith. A Committee was accordingly appointed over which Mr. Hare, Senior Member of the Board of Revenue, presided. It included the following unofficial members, namely:—Raja Ban Behari Kapur, Raja Peary Mohan Mukherjee, Babu Chatarbhooj Sahay and Mr. A. C. Chaterjee.

[*Mr. Carlyle.*]

"The members of the Committee were specially asked to give their opinion on the following points:—'The failure of the Courts to use survey and settlement records and the question of how to deal with zamindars who by illegitimate pressure exacted from their raiyats illegal rents in excess of those stated in the settlement records. The Government also remarked that a subject to which, Government is aware, many zamindars attach great importance is the question of facilitating the recovery of undisputed rents.' The members of this Committee were unanimously of opinion that Government should take up the amendment of the Tenancy Act as a whole and not deal separately with different matters requiring an alteration of the law. The opinion of the Committee was accepted by Government and a Bill was drawn up dealing with the Bengal Tenancy Act as a whole. In drawing up this Bill all the amendments put forward from time to time were considered and either embodied in the draft or deliberately rejected. The whole Bill was then submitted to a Committee over which the Hon'ble Mr Justice Rampini presided. The unofficial members were: the Maharaja of Darbhanga, the Maharaja of Gidhour, Raja Ban Behari Kapur and Raja Peary Mohan Mukherjee, while the official members were: Mr. Hare, Senior Member of the Board, Mr. B. L. Gupta, Legal Remembrancer, and Mr. J. H. Kerr, Director of Land Records and Agriculture, and myself.

"The Bill now before the Council, with a few minor exceptions, is exactly as it left the hands of the Committee. The report submitted by the Committee was unanimous and concludes as follows:—

'Although certain provisions of the Bill do not entirely commend themselves to the non-official members of the Committee, yet it is considered that the Bill as a whole deals fairly with the difficulties which have arisen and with defects which have revealed themselves during recent years in the working of the Tenancy Act. They hope that it will result in the improvement of the relations between landlords and tenants generally, and they therefore submit it for the favourable consideration of Government.'

"I trust that a Bill which has passed the scrutiny of so competent and influential a body of non-official critics will also meet with favourable consideration in this Council.

"While, as I have already pointed out, this Bill owes its genesis in the main to the fact that local officers and the Settlement Department drew the attention of Government to the way in which the settlement records are being overridden and rents illegally and inequitably enhanced, yet the Bill now before the Council represents a serious attempt by Government to do all in its power to meet the reasonable and just demands of zamindars. Legislation, if it is to do justice to all parties, must as a rule end in a compromise between conflicting claims, and it is the duty of Government to see that the adjustment is as far as possible equitable. While therefore Government cannot hope that Bengal landlords will view with entire satisfaction every clause in this Bill, they do hope that the great body of landlords will share the views of their distinguished representatives on the Committee which considered the Bill and will accept it as one which 'as a whole deals fairly with the difficulties which have arisen and with the defects which have revealed themselves in recent years with the working of the Tenancy Act.'

"Probably no clause in the Bill will be more generally acceptable to landlords than the one which deals with the summary procedure for the recovery of rents. Many attempts have been made to devise some solution of the problem how to give landlords a summary procedure for the recovery of rents without danger of serious oppression to raiyats, and very competent authorities have pronounced the problem to be insoluble. The last serious attempt to provide a summary procedure for the recovery of arrears of rent was made by Sir Charles Elliott in 1895. A Bill was drawn up and circulated under his instructions, but met with very strong opposition and was dropped by Sir Alexander Mackenzie when it came before him as Lieutenant-Governor. The Board of Revenue strongly opposed the Bill, among other grounds, because it did not provide any means of enforcing the keeping of proper accounts of collections, because suits were to be tried by Civil Courts, and because the Act was to be introduced in areas where the maintenance of the record-of-rights was only insured by Bengal Act III of 1895, an Act which did not

provide for the mutation of names of proprietors nor for changes in the rents payable. The Board's strongest objection was perhaps that there was great danger in giving a summary procedure to landlords who might in some cases be dishonest and unscrupulous. Whether we have succeeded in devising a summary procedure which will stand the test of further careful inquiry and criticism is for the Council to decide, but I may point out various ways in which we escape the criticisms of the Board on the last attempt. The procedure is only to be given to landlords personally. This should exclude the dishonest and unscrupulous landlord. It is to be given only to landlords who allow their accounts to be inspected by Revenue-officers. This ensures that no landlord shall have such powers unless his accounts are properly kept.

"Finally the summary procedure is only to be given in areas in which the record-of-rights has not only already been prepared and published, but in which it is being periodically revised. The members of this Council will no doubt agree with me that such powers can only be given with the strongest safeguards, and the Local Government must have full power to give or withdraw such powers without assigning any reason. I foresee two main criticisms; one is likely to come from some landlords to the effect that the grant of these powers is so safeguarded that no one will be able to avail himself of them. I do not agree with this. I believe that zamindars holding lands in areas where a record-of-rights has been maintained will find no difficulty in getting Government to permit them to adopt the summary procedure, if they can satisfy Government that their accounts are properly kept up, and if they are known to be men of such probity and force of character as not only to be incapable of misusing these powers personally, but also to be able to prevent misuse of these powers by their servants. On the other hand, I have little doubt that it will be urged that, however much these powers are safeguarded, it is still too dangerous to give them to a landlord as the temptation to use them, so as to ruin any tenant who may set himself against his landlord, would be so strong that, however honourable the landlord himself might be, he would not be able to prevent his servants abusing the summary procedure. The reply is that there are two safeguards. In the first place, no zamindar to whom the privilege has once been given will be willing to forfeit it, and his whole interest will therefore lie in seeing that his servants do not abuse the privilege. The other safeguard is that cases will be heard by a Revenue-officer familiar with the circumstances of the estate. He would very soon find out if the summary procedure were being abused to coerce the raiyats.

"It is in my opinion futile to hope by means of legislation to be able to prevent the abuse by an unscrupulous man of his power to crush individual opponents by a dishonest use of his wealth and position, but in this case there are special reasons why a zamindar should be most careful to avoid abusing these special powers, or allowing his servants to do so. He would know that even one proved instance of the abuse of these powers would very likely lead to the privilege being withdrawn, while any general abuse of the privilege could not be concealed, and would certainly lead to the powers being withdrawn.

"While clause 33 is probably the one that will attract most notice as conferring a boon on the zamindars, a great deal has been done in other parts of the Bill to meet the legitimate desires of zamindars, and, to show how far this is the case, I will again refer to the representation of the British Indian Association of 1902 mentioned by me before. I will touch only on suggestions directly affecting the Tenancy Act.

"The first suggestion of the British Indian Association was that section 3, clause 5, of the Bengal Tenancy Act, should be amended; 'rent' being defined so as to include 'interest' payable on an overdue instalment of rent and cesses. Effect has been given to this suggestion in clause 4 of the Bill.

"The next suggestion of the British Indian Association related to sections 12 to 15. It was proposed to repeal these sections, and to re-enact the law as contained in section 27 of Act X of 1859, the tenant being bound in all cases of transfer to register the transfer in the landlord's *sherista*, and the tenant also having the right to sue the landlord for registration in case of

the landlord refusing to register the transfer. While Government has not accepted the suggestion of the British Indian Association that the registration of transfers be left to landlords, they have, in clause 5 of the Bill, provided that 'nothing contained in any deed of transfer to which the landlord is not a party shall be evidence against the landlord of the permanence, fixity of rent, specification of area, transferability or any incident of any tenure or holding referred to in such deed;' and clause 6 of the Bill provides that 'the acceptance by a landlord of the fees payable under the foregoing sections in question shall not operate as an admission as to the permanence, fixity of rent, specification of area, transferability or any incident of the tenure or holding for which such fees have been paid, nor as an express consent to the division of the tenure or holding, or to the distribution of the rent thereof.' I trust it will be generally admitted that the compromise adopted by Government is a fair one.

"The third suggestion of the British Indian Association was to the effect that the entry of area of a tenure or holding in the rent-receipt of a tenant should be *primâ facie* proof of the correct area of the land for which rent had been previously paid by him. While Government cannot go the length of accepting the proposal that an entry of the area in the rent-receipt should be accepted as *primâ facie* proof, it would be too dangerous in the hands of some zamindars, they have in clause 11 of the Bill provided that where the landlord or tenant can prove that there is a custom in the village of settlement being made after measurement, it may be presumed that the area of the tenure or holding specified in any *patta*, *kabuliyat*, or rent-roll relating to it has been entered in such *patta*, *kabuliyat*, or rent-roll after measurement. Government believes that this provision will enable zamindars to prove excess areas with much greater facility than at present. The section as now drafted corresponds very closely with the actual practice of the Settlement Department, which, in this case, has leaned rather to the side of the zamindars, as, under the law as it stands, proof of excess area can rarely be given in such a form as to meet the demands of the Civil Courts.

"The next suggestion of the British Indian Association related to the difficulty sometimes experienced by co-sharers in collecting their rents. The provisions of clauses 34 and 35 of the Bill facilitate the realization by co-sharers of their rents, while protecting the raiyats against harassment by a number of suits by different co-sharers. The net result of these clauses is that a single co sharer is empowered to sue for the rent due to all the co-sharers, and the tenure or holding passes in execution of a decree obtained in such a suit, provided that the other co-sharers have been made parties, while the sale-proceeds are divided among them in proportion to the amount found due to each.

"The next suggestion of the British Indian Association related to the thorny question of distraint of crops. The Association suggested that the landlord should have the first lien on the crop, which should not be allowed to be removed until the rent was paid. This suggestion cannot be accepted by Government, as, in the hands of an unscrupulous zamindar, it might be made an intolerable engine of oppression. As, however, it appears that the powers of landlords to distrain crops are at present frequently nullified by tenants filing applications before Collectors for appraisement of crops in respect of which the Civil Courts pass an order of distraint, thus protracting the proceedings some times for years, it is provided by clause 14 that no order should be passed on an application under this section after an application under section 121 for the distraint of the crops of a tenant has been made by the landlord and admitted by the Civil Court. And if after an order has been passed under this section, it appears that an application for the distraint of the tenant's crops has been made to the Civil Court before the application was made under this section, the Collector shall stay all proceedings under this section.

"The next suggestion of the British Indian Association related to the method of the service of summons on the defendant, and it was suggested that there would be less room for fraud than at present if the summons were served and acknowledgements of service received by the Postal Department. This is a

matter with which the High Court can deal, and the High Court has been addressed on the subject; but it appears more likely that fraud can be reduced by the service of summons through panchayats. Experiments in this direction are being made at present in several districts where revenue processes are being served through Presidents of panchayats instead of by Nizarat peons.

"The next suggestion of the British Indian Association related to the fact that false pleas were frequently raised by tenants of having fully paid the rent claimed in the suit, and they suggested that the law should make it compulsory for a tenant to deposit the entire amount of claim, or a receipt for the same, before allowing him to enter a defence. This question was raised before the Committee which dealt with this Bill in connection with *ex-parte* decrees, but it was pointed out that the landlord's proper remedy was to apply to the Court for damages.

"The last matter dealt with by the British Indian Association, so far as the Tenancy Act is concerned, referred to the application of section 311 of the Civil Procedure Code to all sales of tenures and holdings under the Bengal Tenancy Act. This has been dealt with in clause 37 of the Bill, which provides that, if a tenant chooses to have a sale set aside by paying the decretal amount, he cannot subsequently also proceed under section 311 of the Code of Civil Procedure.

"I have dealt at some length with the British Indian Association's letter, because I think it will show how careful Government has been to consider every reasonable request made by landlords to alter provisions of the Bill which bear unnecessarily hardly upon them.

"I may note two other provisions introduced in this Bill in favour of landlords. The first clause I would refer to is clause 13, which is designed to check the attempts so frequently made by tenants to convert suits for arrears of rent into title suits, by setting up title as landlord in a third person or in themselves. It has been proposed that, on the analogy of section 11 of the Transfer of Property Act, the penalty for denial of landlord's title should be forfeiture of the raiyati rights. This, however, would appear to be too severe a punishment. In many cases, especially where a tenant has to deal with a number of zamindars with conflicting interests, he would often be in a very difficult position if he did not entirely identify his interests with one of the parties, and taking all the circumstances into account, it seems that a maximum penalty of ten times the amount of annual rents is sufficient.

"Another clause which has been inserted with a view to meeting the convenience of zamindars is clause 31(2) of the Bill, which provides—

'Where any account-books, rent-rolls, or collection or measurement papers have been produced by a landlord in any Court in a suit pending therein, copies of, or extracts from, such documents, which have been certified by a duly authorized officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit instituted in the same or another Court, unless the Court in which such copies or extracts are produced sees fit to require the production of the originals.'

"It lays down provisions similar to those of the Bankers' Evidence Act as regards landlords' account-books, rent-rolls, collection and measurement papers. In such cases, when the originals have once been produced in Court in any suit, the landlord is permitted to file copies or extracts from such documents in subsequent suits, subject to the right of the Court to ask for the production of the originals if necessary.

"I have now to draw the attention of the Council to those clauses of the Bill which deal with illegal and improper enhancements of raiyati rents, the failure of many zamindars to give receipts, and the disregard of the settlement records by the Civil Courts.

"The Board's letter of 1904 and its enclosures, regarding the protection of raiyats from illegal or undue enhancement of rents, affords melancholy reading as showing the extent to which zamindars in many districts in all parts of the province have abused their powers. I cite a few instances. The Collector of Jessore reports that landlords compel their tenants to agree to illegal enhancement, by suing for rents every *kist*, or by allowing arrears to mount up. Receipts are not given, or the details are incorrectly filled in. From

[*Mr. Carlyle.*]

Murshidabad, the Collector reports that in some cases the zamindar manufactures evidence of increased rents by false entries on counterfoils of receipts. A special method of enhancing rents is described as follows:—

'Advantage has been taken by the clever advisers of certain large zamindars of the High Court's decision contained in Indian Law Reports XVIII, Cal., page 333, which lays down that a raiyat, to avoid litigation, can enter into an agreement for an excessively enhanced rent. Within two or three years of the ruling, *viz.*, about 10 years ago, criminal cases, suits, etc., on a large scale were brought or threatened against the raiyats of a certain zamindar. The Munsifs now hold under the above ruling that excessive enhancements made in consequence of such litigation, threatened or real, are legal.'

"The Collector of the 24-Parganas reported that proper receipts for rents are seldom given, and pressure was thus brought to bear on the tenants. From Darbhanga, it was reported that a favourite method of obtaining enhancement was to take deeds of surrender from raiyats, purporting to be an honest endeavour to rectify obvious mistakes of the Settlement Department without the trouble and expense of going to Court, while, as a matter of fact, the *ikrarnamas* were not voluntary. I have in my hands a copy of the Board's letter, and of its enclosures, from which I could quote many other passages, but I think enough has been said to show that Government has to deal with a very serious and widespread abuse of the law, and, unless the facts are seriously disputed, I do not propose to go at length into the evidence as to these abuse , which in the first instance led to the initiation of legislation. Here, again, Government is most anxious not to adopt any measures which would hamper all zamindars, good and bad alike, in their dealings with their tenantry. Government desires that it should be in their power to discriminate between good and bad landlords, and even in those cases where some general provision appears to be necessary affecting all landlords alike, we have done all that seemed possible to make the burden as tolerable as could be done.

"I have already said that it is impossible to prevent by legislation alone the abuse of power by one man over another. No legislation can prevent a wealthy man who desires to ruin a poor one from doing so, but Government can and ought to prevent the oppression of one class by another as a whole. Thus, while it may be practically impossible to prevent a powerful and unscrupulous zamindar from treating unfairly some particular raiyat, I believe Government can interpose with success where a zamindar is treating unfairly the general body of his tenants.

"The clause of the Bill on which I rely most as giving Government power to intervene in favour of an oppressed tenantry is, clause 25. The wording of the clause will probably be altered in Select Committee. It has been introduced in its present form, mainly to permit of a declaration by Government that, if section 112 is retained as a part of the Tenancy Act, it will be at liberty to use it under any circumstances in which it may seem equitable to exercise this power. Section 112 was, in 1885, made a part of the Act, with the avowed object of applying it only in the case of areas affected by agrarian disturbances.

"Sir Steuart Bayley, when speaking in Council, said: 'We have, however, provided for a special settlement to meet special circumstances. Under the special settlement (section 112), the Settlement Officer will have power to settle all rents, and will, moreover, have power to reduce rents on other grounds than those ordinarily applicable, and all such rents as he settles will hold good for the same term of years as if fixed under a judicial decree. But this procedure, which gives unusual powers of interference, and which is meant to be applied only in circumstances in which the operation of the ordinary law is likely to prove insufficient, requires some strict safeguard. We have therefore provided that it shall only be applied after the previous sanction of the Governor General in Council has been obtained. It is an extreme power, intended to take the place of Sir Richard Temple's Agrarian Outrage Act, and I trust it will be resorted to as little as that Act was.'

"Government, therefore, considers it necessary distinctly to raise this issue before Council, as it is now proposed that the use of the section is not to be restricted in this way. I may also point out that the section as amended by

clause 25 of the Bill provides a feasible means of settling rents while as section 112 stands at present, it is not at all clear what method is to be used in settling them.

"It will be seen that the section, as it is now proposed to use it, places in the hands of Government a very powerful weapon against oppressive landlords. The provision that it can only be enforced with the previous sanction of the Governor General in Council ensures that a strong case will have to be made out before it is put in operation.

"I could, if it were necessary, bring before the Council a great deal of evidence to show that one of the commonest forms by which landlords obtain unduly enhanced rents is to force their raiyats to agree to a compromise, either before a Revenue Officer or in the Civil Court, whereby they obtain an enhanced rent far larger than could have been obtained by a contract. Such compromises stand on a very different footing from equitable agreements entered into by the parties to a suit, with a view to avoiding litigation regarding points really in dispute. Here the whole object of the litigation is to enforce a demand which the landlord knows he cannot obtain in fair fight, and to give a legal colouring to an improper enhancement. Clauses 24 and 30 now make it incumbent on the Revenue or Civil Courts, as the case may be, to look into compromises and see whether they are in accordance with the law, and even if they are not illegal, the Courts may reject them if they appear to be unfair and inequitable.

"There is a great deal of evidence before Government, which it seems unnecessary to produce before the Council (I do not think the facts are disputed), that the Civil Courts, as a rule, take no notice of the record-of-rights unless the parties to a case put them in. I do not in the least blame the Courts. The Judges are in this matter following the usual procedure in only dealing with such evidence as is brought before them by the parties, but Government cannot contemplate with equanimity the futility of having a careful and exhaustive record-of-rights prepared, which is not used by the Courts, and provisions have been inserted in clauses 30 and 31 of the Bill with the object of compelling the Courts to deal with the record-of-rights where relevant to suits between landlords and tenants. As the matter is one of considerable importance, I read the provisions of the Bill bearing on this point:—

Regard to be paid by Civil Courts to entries in record of-rights.

'147B. In all areas in which a record-of-rights has been prepared and finally published under sub-section (2) of section 103A, a Civil Court shall, in all suits between landlord and tenant as such, have regard to the entries in such record of-rights referring to the land in dispute which may be produced before it, unless such entries have been proved by evidence to be incorrect, and, when a Civil Court passes a decree at variance with such entries, it shall record its reasons for so doing.'

"Again, in clause 31, sub-section (2), it is enacted that—

'Where the suit is for the rent of land situated within an area in which a record-of-rights has been prepared and published, the plaint shall, unless the Court is satisfied that the plaintiff was prevented by any sufficient cause from furnishing such statement, further contain a statement of the rental of the tenancy according to the record-of-rights:

Provided that, if the Court sees fit at any time to require it, a verified or certified copy of, or extract from, the record-of-rights relating to the tenancy shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector without payment of fee'

"I would ask Hon'ble Members to notice that section 31, sub-section (2), has been so framed as to reduce the trouble to the landlords to a minimum, as a bare statement of the rental of the tenancy according to the record-of-rights will in most cases suffice.

"Another very prevalent abuse is the failure of many landlords to give proper receipts. Section 58 of the Tenancy Act deals with this matter, and provides that a landlord who refuses or neglects without reasonable cause to give a receipt, or who fails without reasonable cause to prepare and retain a counterfoil or copy of a receipt, shall be liable, in the one case to a suit for a penalty, and in the other to a fine. In practice, the section has proved a dead letter. I do not think anyone will dispute the importance of

requiring landlords to give proper receipts and to retain counterfoils or copies of the receipts; but if it is to be enforced, some new system of dealing with the offence is necessary. The Bill accordingly provides (clause 12) that cognizance of the offence may be taken by the Collector, not only upon complaint, but also upon information from a Revenue Officer or report from a Civil Court, and the duty of reporting is laid upon Revenue and Civil Courts. I may note that, to prevent abuse of this section, it has been provided by clause 12, sub-section (7), of that—

'Where, in any case under sub-section (5), the Collector acquits the landlord or his agent, as the case may be, and is satisfied that the complaint or information of the tenant on which the proceedings were instituted is false or vexatious, the Collector may, in his discretion, by his order of acquittal, direct the tenant to pay to such landlord or agent such compensation, not exceeding fifty rupees, as the Collector thinks fit.'

"I have now touched on the points in the Bill to which it appears to me most important to draw the attention of Council.

"There are several other sections to which I would have liked to have drawn the attention of Hon'ble Members, but as they do not appear to me to affect the principles of the Bill, I must content myself with referring to the Statement of Objects and Reasons.

"I have trespassed for sometime on the indulgence of the Members of Council, but I trust I will be forgiven, considering the importance of the subject. I have no doubt, if the Bill comes before a Select Committee, it will be possible to make many improvements in details, but I hope the general principles on which the Bill has been framed will commend themselves to this Council."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"With Your Honour's permission I shall make a few observations of a general nature on the scope of the provisions of this Bill. There are no doubt provisions in it which make the position of landlords and tenants as regards each other clearer than they are under the existing law, and as such the Bill must be welcomed by both landlords and tenants; but before I go further into the provisions of this Bill there is one observation which I wish to make with Your Honour's permission: the present Bengal Tenancy Act, as the Council knows, applies to both Divisions of Bengal; the amendments which are now sought to be made will only apply to the Western Division. At one time when those of us who opposed the partition of Bengal put forward the argument that at no distant date the landlords of the two Provinces would become dissimilar there was no sufficient answer given, and the argument was brushed aside as not sufficiently patent or strong; but, Sir, within a very short time of the partition of Bengal the old province is going to introduce substantial modifications into the existing law. It is not known whether these modifications will be adopted in the new province; it was whispered at one time that the late Government of Eastern Bengal and Assam were opposed to the introduction of a measure like this into their Province. It may be that with the change of Government in the Eastern Province that opposition will no longer be pressed, but difficulties will arise especially in parts of the country where the boundaries abut on one another, in the administration of justice, particularly with regard to the landlords of Bengal. It is no imaginary difficulty. Sylhet at one time part of the Province of Bengal until it was transferred to Assam. The laws of Sylhet remain where they were at the time of the severance; whereas the landlords of Bengal had made considerable progress since that time. With these observations I proceed to the consideration of some of the principles contained in the Bill.

"As regards the minor provisions, there is not much to be said, and whatever may have to be said will be said at the proper time. It is a great thing to be able to say that fees towards which covetuous eyes were cast from various quarters are after all to go to the landlords, and there will be no fear of the rights of the landlords being jeopardised by the acceptance of those fees.

"There is one provision of the Bill as regards compromises to which pointed attention was called by the hon'ble mover of this motion, that in pending suits compromises entered into between landlords and tenants are not to be given effect to unless they are ratified by the Court, and the Court will

have power to set aside those compromises if it thinks fit. There may be, and I regret to say there have been cases, in which undue pressure has been put upon the tenants and in which rents have been enhanced without any sufficient justification, but when tenants and landlords are at arm's length, before the Court fighting each other, and the tenants have the benefit of legal advice, I do not see why the powers ordinarily exercised by litigants of coming to a settlement of their disputes should be withheld from suits of this description. To my mind, Sir, it seems that no sufficient case has been made out for withdrawing from these suits the powers which ordinarily litigants exercise in coming to a settlement of their disputes.

"Another provision of the Act which to me seems objectionable is where the Settlement Officers, in the case of temporarily-settled estates, are given the power of not only revising the assessment, but also of fixing the rents which ought to be paid by the tenants to the landlords; the argument put forward in support of this provision is that landlords may probably follow the suicidal policy of entering into contracts with their tenants for a lease of their holdings at rents lower than those which they ought to obtain from their tenants. I do not know if such a course is likely to be followed. I once heard a story of a man who, with the object of gaining some influence and position, had submitted returns of income to the Income-tax Office which were far in excess of what he actually received, but he soon came to grief over his folly. I am quite sure that those who know how tenants are able to protect themselves in most areas will find that if the landlords enter into such collusive bargains with their tenants, they will soon come to grief, and there is a feeling which I cannot get rid of that probably this provision is intended to put on the screw for the purposes of enhancing an assessment, and for the purposes sometimes of setting aside contracts which have been honestly entered into between landlords and tenants as regards the rents of their holdings. But these and others are matters of detail with which I shall not trouble the Council at this time.

"There is, however, one very serious question,—and it is a question of principle—involved in this Bill, to which I wish to draw the prominent attention of this Council, and that is the power of adopting the certificate procedure which is proposed to be conferred upon selected landlords. As a landlord in a small way myself, I should probably welcome that power and that privilege, but at the same time I cannot put away from my mind the apprehension that this power may be a source of grave danger to those who seek to receive and exercise it. In the first place, this section which provides for this power being given is absolutely silent as to the conditions under which the power may be given, it is absolutely silent as to the conditions under which the power may be withdrawn; the only condition is that the area must be an area in which the record-of-rights has been completed. The other conditions which should be annexed should be that the landlord is an honest landlord, that he has dealt fairly by his tenants, and that there are no agrarian disputes in his zamindari, but these are things which are nowhere expressed; the Government will give the power and Government will withdraw the power without assigning any reason whatever.

"Sir, it is not unknown to Your Honour that in many matters connected with the administration of the State, zamindars have not been able, for various reasons, to associate themselves publicly; there has been always the fear of offending the authorities and incurring their displeasure and losing some benefit or the fear of gaining a decoration or a title being for even lost. This attitude of the landed classes has been, if I may be permitted to say so, a source of grave weakness alike to the State and to the people, and I may also say of danger to both. It is meet and proper that the landholders should take their allotted place in all public movements. Under this Bill substantial benefits are to be conferred on landlords, and they may be apprehensive that these benefits will be withdrawn by Government in case they associate themselves with public movements which may have for their object the criticism of Government measures or of Government action. I see no adequate compensation in the provision that is now sought to be introduced

for the loss which the community and Government alike will suffer, for it cannot be denied that all public representations would gain in weight and would receive greater consideration if they had the support of the landed classes of the country.

"We do not know for what trivial offence a zamindar may be punished: he may fail to put in an appearance at a landing ghât to present a welcome: he may fail to check some boyish pranks in his zamindari, or a small riot connected with some trivial event, and his power goes or may go. Government, if it thinks fit to answer his petition and his prayer, the answer may be 'no,' and say we are not bound to give any reasons. Sir, I admit that there would be great gain if this power were conferred upon the zamindars, but I humbly press upon Your Honour and upon my colleagues in Council to lay down conditions which would be known, which could be followed and not make this power so absolutely in the gift of the Government both in conferring as well as in withdrawing it. I am quite aware that probably that is an aspect of the question which has not been thought of either by those who have asked for this power or by the Government which is willing to grant it. I do not oppose at the present moment the inclusion of this clause in the Bill, but the observations that I have ventured to address to the Council are in the hope that public attention will be called to this subject, and that it will be fully and completely discussed by all bodies whom it may concern or affect. I also hope that those who will have the responsibility of the passing of this measure will pay due attention to what I have ventured to urge in this Council."

The Hon'ble Mr. Bertram said:—"Sir, I support this measure though I may say I am ignorant on the subject of land: I only own six feet of land in England, but it seems to me that as the Government of Bengal propose to make amendments in the Bengal Tenancy Law, which is not an every-day occurrence, it is right that the law should be brought up to date. I notice that the Punjab Government are legislating, or intend to legislate, to give tenants a remission of rent or the equivalent of that which is allowed by Government at the time of famine. I see no reference to this in the Bill that the raiyat in Bihar, for instance, is re-imbursed for that remission of rent which the landlord gets.

"Then, Sir, there is another point to which the hon'ble mover of this Bill referred to, namely, that it is the outcome of the work of a Committee consisting of landlords and Government servants. I did not hear him say that any representatives of the man, who carries the burden and has to pay the rent, were heard on the subject. I did not hear from the hon'ble mover any reference to the fact that the views of representatives of the raiyats of the country were taken.

"There is another point: this Bill does not make provision for the three F's: fair rent, free sales, and fixity of tenure. This proposal received recently the very serious attention of the gentleman who once officiated in the Chair which Your Honour occupies. Bengal suffers under the great disadvantage of being under the Permanent Settlement, and it is therefore very difficult in these matters, when the tenant of Bengal has to compete against all the tenants of the world, that he has to pay a really heavier rent than the crops, which he produces can fairly bear. One provision of this Bill, section 33, I really think should not eventually be passed; it would create a special tribunal for the benefit of the landlord, and that is not at all right, but I speak with all reserve in this matter, because at the proper time my constituents will instruct me exactly what position I am to take up in this matter; but it seems to me that to make special provision in order to benefit a specially good landlord is rather a bad system to introduce; to differentiate between landlords when the tribunals are open to all is, in my opinion, a serious blot in the Act. The object of course is to make all landlords good little boys.

"There is another section which does not go sufficiently far, namely, section 43. I think the framers of this Bill should not only have given the six months' notice of the expiration of the term, but provision should have been made in the Bill for compensation for unexhausted improvements.

[*Mr. Bertram; Babu Radha Charan Pal; Babu Jogendra Chandra Ghose.*]

"These are some of the points which I shall take up later on."

The Hon'ble BABU RADHA CHARAN PAL said:—"Sir, I cordially support the principles of this Bill, although I reserve my comments on the details of the Bill for a future occasion. I cannot but express my thankfulness to the Government for the careful attention which the Government has been pleased to give to the representations of the British Indian Association on this subject. It has been remarked by the Hon'ble Mr. Bertram that the Committee which was appointed by the Government to consider this question did not contain any representative of the raiyat. I do not know what my hon'ble friend means. He has been long enough in this country, and I believe he was also in this country when the Bengal Tenancy Act of 1885 was introduced. I well remember, although I was very young at the time, the great hue and cry that was raised when the Central Committee of landholders of Bengal and Bihar was called upon to nominate a represenative of the zamindars by a section of my community led by the Indian Association of Calcutta, that a representative of the raiyat should also be nominated to sit side by side with the representative of the zamindar on the Imperial Legislative Council. Public meetings were held at the time, and a demand was made upon the Government, and what was the reply of the Government? It was the Government of no less a personage than Lord Ripon; and the reply was that the Government constituted the custodian of the rate-payers, and that there was no better representative of the raiyats than the Government itself. I am sure my friend did not mean to say that the able members of the Civil Service, who constitute the Government, do not protect the interests of the raiyats; I do not mean to say that all the suggestions of the zamindars have been accepte l in their entirety, but I am glad to say that their representations have received careful attention.

"I do not at the present stage desire to enter into a criticism of the various provisions of the Bill. Although, as I have said, I cordially support the principles of the Bill, I reserve my comments on some of the details, but I am sure that the measure taken as a whole will be welcomed by the community generally."

"The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"Sir, I am a new Member to the Council, and I did not propose to speak on this occasion, but the observations that have fallen from the Hon'ble Babu Bhupendra Nath Basu and the Hon'ble Mr. Bertram oblige me to say a few words in support of the principles of this Bill. It is no good saying that the principles of the Bill in the main are good when you say that you do not approve of the summary procedure for the recovery of rent laid down by this Bill. That is the main provision of this Bill, and those gentlemen who want to get rid of that and still support the Bill do not support it at all, but on the contrary oppose it.

"This Bill is the outcome of the deliberations of a very important and influential Committee consisting of some of the most intelligent landlords of the country, and such officials as are regarded in this country as special friends of the raiyats, and therefore to say that this Bill is meant only in the interests of the landlords is not correct. The Hon'ble Babu Bhupendra Nath Basu thinks there would be great danger if the power of the certificate procedure were conferred on some landlords, and that apprehension has been endorsed by the Hon'ble Mr. Bertram; but if we do give the power of the certificate procedure to the landlords, it would be very improper to give it to all. If that were so, I would certainly oppose it, because all landlords are not good landlords, and the Hon'ble Babu Bhupendra Nath Basu will probably agree with me when I say that that being so, somebody must make a distinction between good landlords and bad landlords; and who is to do that except Government?

"Then, again, a slur has been cast upon the entire class of landlords that they are always seeking after titles and are subservient to the wishes of the officials. The Hon'ble Member ought to know that during the last one year or so, landlords have never subordinated their wishes to the wishes of officials at a time of stress and strife, probably unwisely. This, therefore, must be understood that the ummary procedure which is sought to be laid down by this Act is the central idea of the Act; the landlords have accepted it, and there are so many

provisions in this Bill to which were it not for the certificate procedure, landlords would have the right to object, for example, one matter which has been referred to by the Hon'ble Babu Bhupendra Nath Basu, namely that of compromises. They can only be entered into when approved by the Court. This is certainly opposed to legal ideas, but the officers of Government who probably are more inclined to favour the raiyats than the landlords thought that was necessary, and I for one am prepared to accept it.

"There are many provisions of this Bill which are only in favour of the raiyats, and the landlord would certainly object were it not for the certificate-procedure. Who does not know that the recovery of rent by landlords is a very difficult process? In the first place, they would have to bring suits and then take out executions; when the money is realized, they have to pay their lawyers; and though I belong to the latter class myself, I regret to say that very little goes to the landlord. Now, Sir, I very humbly say that I for one am prepared to support the Bill in its entirety. Certain of its details will be hereafter considered, but as regards the principles of the Bill, no objection can, at this period at least, be taken. When I say this in favour of the Bill, I ought also to put forward certain considerations which influence me in supporting it.

"I am convinced that this Bill is a beneficient measure proceeding out of the good-will which Your Honour bears to the people under your charge. I also know that it has been considered and approved by a very influential Committee, and I myself had the privilege of thoroughly going through its provisions having been consulted by some members of that Committee. But circumstances have arisen since the conception of the measure by Your Honour which have thrown unforeseen difficulties in the way of the scope of its beneficence. Your Honour meant to benefit the whole of Bengal under your charge. Now a very important portion of it is under a different Legislature. Many of the landlords of Western Bengal hold zamindaris in Eastern Bengal, and they would consider it a grievance if they are unable to take full advantage of this measure. It is, therefore, advisable to take such steps as may ensure its being made law in both Bengals. The simplest way to do that would perhaps be to get it passed by the Legislative Council of India. The Bengal Tenancy Act is an Act of the Supreme Council, and ordinarily all amendments of it should be made by that Council. I am aware that by the Indian Councils Act, power has been bestowed on this Council to amend an Act of the Supreme Council, and that the Bengal Tenancy Act has before this been amended by this Council. Still the matter is not quite free from doubt. However that may be, it would certainly be expedient under the present circumstances to get the Bill passed by the Supreme Council. There is probably another course, namely, to get the measure passed both by this Council and by the Council of Eastern Bengal and Assam. But how this Government or this Council can control the action of the other is difficult to see. I place these considerations before Your Honour for your decision. Your Honour had the people of both Bengals under your charge for a long time, and even now the people of Eastern Bengal are deserving of your care."

The Hon'ble MR. CHAUDHURI said:—"Your Honour—I am opposed to the introduction of this Bill in the Bengal Council. But if it is the pleasure of the Hon'ble Members present here that the Bill should be introduced in this Council, I would take exception to certain novel principles introduced in this Bill. I do not desire to offer now any detailed criticism of the Bill, although the Bill contains many clauses on which detailed criticism will be necessary before they become law. At present, I shall confine my observations only to those provisions of the Bill to which I object as a matter of principle.

"The Bengal Tenancy Act is a Government of India Act which, after considerable deliberation, was passed to determine the rights and obligations of landlord and tenants in the whole of Bengal. But Bengal is no longer one and the same Province. My hon'ble friend, Babu Bhupendra Nath Basu, has anticipated me in objecting to the Bill on account of the Partition. I pointed out in my last Budget speech the confusion that is bound to result from the amending of the land-laws of Bengal in two different ways from

Eastern and Western Bengal. I shall only mention to-day two instances which will convince every reasonable man of the inadvisability of such a course. I come from a part of the new Province which is on the other side of the river Padma. Rajshahi and Pabna to which I belong are only separated from the Murshidabad and Nadia districts of this Province by the river Padma, which is constantly shifting its course. Now, one uniform system of land-laws govern both sides of the river. When the laws are different, in every case of shifting of the boundaries a conflict and confusion in the laws is sure to arise. Take another instance. The Faridpur District of the new Province, is only separated from the Nadia District of this Province by an arbitrary line. It is a fact that there are many houses, in the borderland of both, of which the outhouses and inner apartments now fall in two different Provinces. This is not only the case with homestead lands, but there are many agricultural holdings which are also similarly situated. It is obvious, therefore, that any substantial amendment of the Bengal Tenancy Act by this Council will result in serious conflict.

"For instance, it is proposed by this Bill that a decree by a co-sharer landlord should henceforth be regarded as a rent decree when the other co-sharers are made parties. The result of this would be that the tenure or holding would pass in execution of such a decree to the purchaser. The law at present in the new Province is that the decree by a co-sharer is a money-decree, *i.e.*, the tenure or holding does not pass in the execution of such decrees. When a portion of the holding or tenure is in one province and a portion is in another, what will be the result of such a decree after this Bill is passed? No judge on earth can say. Then it is admitted in the Bill that the majority of the estates in these Provinces are held by co-sharer landlords. It is well known that co-sharers do not always live in one province. If one sues any tenant in respect of any such tenures or holdings for arrears of rent and joins his co-sharers in the other province, are the latter bound to regard the decree as rent decree or recognize the title of the purchaser? Surely not. Unless such provisions of the Bill are simultaneously introduced and passed by the Legislature of the new Province, all such legislation will result in endless confusion. What a sad commentary is this on the Partition! What justification is there for setting up a new Legislature if it exists only to copy *in toto* what is done in this Council Chamber?

"But since there is no guarantee that the Legislature of the new Province will continue to copy our measures, I would suggest that Bills of this nature should be introduced in the Council of the Governor General of India to secure the uniformity of the laws. Regarding the merits of the Bill I cannot but take exception to some of the more important innovations sought to be introduced by this Bill.

"First, it seems to me that it is proposed to invest Revenue Officers with certain powers which properly fall within the province of Law Courts. For instance, in clause 24 of the Bill, power is given to Revenue Officers to reject 'agreements,' and 'compromises' in preparing a record-of-rights. If the 'agreements' are unconscionable, it is the function of Law Courts to set them aside. A Revenue Officer does not seem to me to be the proper person to reject them. I presume, that his rejection of an agreement will not amount to its cancellation. In such event, such arbitrary rejection will only precipitate litigation which is neither good for the landlord nor for the tenant. What is worse, however, is the power proposed to be conferred on Revenue Officers to reject 'compromises.' The expression 'compromise' may include consent decrees of a Court of Law. Thus to invest the Executive Officers—Revenue Officers are ordinarily Executive Officers or the immediate subordinates of such officers—with powers to ignore even the decrees of Law Courts is surely open to serious objections.

"In the second place, I must confess that I do not appreciate the direct intervention of the executive authorities for the reduction of rent, as is proposed under clause 25, in cases where zamindars are believed to be illegally enhancing rents above those recorded in the record-of-rights. There are no doubt landlords, who do such things. But a tenant can surely get

relief in such cases from a Munsif's Court. In case of agrarian disturbances resulting from such illegal enhancement, the State has an undoubted right to interfere and put an end to the cause of the disturbance. But in the absence of actual agrarian disturbances, I presume, the Local Government must proceed upon private report which may not always be reliable. In such cases, interference on the part of the Government is sure to create bad blood between the Government and the landlord on the one hand and the landlord and the tenant on the other. The much simpler remedy of the tenant seeking relief against such illegal enhancement from the Law Courts is free from such objections.

"The third matter regarding which I must also record my firm protest is the granting of the privilege of realizing rent by what is known as the certificate procedure to some selected or approved landlords. It will indeed be a very invidious task on the part of Government to mark out the landlords as good or bad. I am thoroughly at one with my hon'ble friend, Babu Bhupendra Nath Basu, that this would lead on to the utter demoralization of the zamindar class. Every one will attempt to be in the good books of Government. It is seldom that Government sees with its own eyes or hears through its own ears. It is often the local officers who influence the visions of Government. If a zamindar can please a District Magistrate and Collector—he may not be an ideal zamindar or even a good man, and yet he may please the District Officers in many ways—he may be recommended for the privilege of realizing rent from his tenants by the summary procedure. It is the zamindars of rank and position to whom the Government or Government Officials are accessible, and it is often the ambition of such zamindars to please the Government officials any how they can. So, after all, it is this class of people who may ultimately secure the privilege of summarily realizing rent up to the hilt even in times of distress. My sympathies are with the smaller landlords, who are in touch with their tenants and whose weal or woe depend on the crops and contentment of their tenantry. As good wine needs no bush, so a good landlord needs no extraordinary process to collect his ordinary dues."

The Hon'ble Babu Jogendra Nath Mukherjee said:—"Your Honour: my justification for saying a word or two with reference to this Bill is that I come from the mufassal, and naturally I have a very strong interest in the Bill as it has been placed before this Council. It would undoubtedly have been far better if an Act like this could be passed by the Government of India, but I should say the fact that it has been introduced into this Council is not an unmixed evil. I would rather court discussion from Hon'ble Members of this Council than have it discussed before the Supreme Council, because here we get men who come direct from the districts who are in touch with the people, and they at any rate are able to pronounce opinions on the working of this Bill. However, the question of a Bill like this being considered by the Supreme Government is a question of great importance, and no doubt Your Honour's Government will pay due attention to this part of the question when the time comes.

"There are a great many provisions in this Bill which are undoubtedly very good; they clear ideas, remove difficulties and make smooth the working of the Bengal Tenancy Act; and as I have noticed in the course of the working of the Bengal Tenancy Act, Courts and Settlement Officers are sometimes quite at sea as to what they should do in many cases. Yet there are certain principles which require a word or two from me, and one of those principles is that relating to the classification of good and bad landlords. The object of Government, so far as I can make out, is that landlords in respect of whose papers there cannot be any question, and can be considered as reliable, should be afforded certain opportunities of quick recovery of rent; but on the other hand it is open to serious objection as has been pointed out by my friend, the Hon'ble Babu Bhupendra Nath Basu. The question therefore arises: cannot the same object be achieved by different means instead of distinguishing between good and bad landlords?

"Now, I understand that throughout Bengal, Chapter X will be in operation, and as this Bill contemplates, some evidential value is to be placed on the record-of-rights which was not to be found in the existing Bengal Tenancy Act. If that was made the basis of our operations, and the certificate procedure was done away with, that would probably relieve some objections that have been raised in this Council. At the same time this Council will have to consider how far the record-of-rights will be considered as reliable, and I submit that, side by side with this question of the recovery of rent by an easy and quick process that has to come to the fore-front, we have to consider how these record-of-rights came into existence. We have the Kannapura Estate, where we have got ignorant men who have a special language, peculiar ideas, who cannot be considered as educated at all, and they supply the basis to the superior officers, sometimes a basis has to be formed by somebody swearing by the tail of a cow. If instead of these men we could have a class of men who were better educated and better able to consider the *pros* and *cons* of evidence, we should certainly have a better state of things so far as the record-of-rights is concerned; and if some evidential value was attached to the record-of-rights than is to be found in the existing condition of things, I think the solution of this question might be arrived at in a more satisfactory way. I am not desirous at present to hamper the deliberations of this Council by any hasty remarks. I have studied the Bill to some extent, and I have got to submit a great deal on certain points, and when the proper time comes I will lay them before Your Honour and this Council; but these are general observations which might well be considered.

"I now wish to say a few words with reference to what has fallen from the Hon'ble Babu Radha Charan Pal. He has accepted it as an undisputed fact that the zamindars as a body have accepted the principle of this division of the community of zamindars. We do not know what zamindars were consulted. Some big zamindars who were in touch with Government officials were consulted, but the general body have not been consulted. There are many zamindars who have not been consulted, and how they will take this proposal it is difficult for us to say, so that we must accept the remarks of my friend with these reservations. I do not propose to take up the time of the Council any longer, and with these remarks I beg to resume my seat."

The Hon'ble RAJA BAN BEHARI KAPUR said:—"Your Honour: the Bill which is being introduced in the Council by my colleague, the Hon'ble Mr. Carlyle, is the outcome of the mature deliberation of a Committee appointed by Your Honour to fully consider the advisability of amending the Bengal Tenancy Act of 1885. The Committee was fully representative, and the interests of both the landlords and tenants were carefully discussed and safeguarded.

"The Bill when it passes into law will, on account of the removal of some existing ambiguity and anomalies, be clear and operative on some points.

"The Bill supplies the long-felt omissions, removes defects, and provides improvement wherever it is needed by amendment of the existing clauses and the addition of new clauses on several heads.

"Though the Bill does not supply the want of facility for the collection of rents by the zamindars, and does not go far enough towards making process of recovery of rents less cumbersome for the landlords, yet it will help those estates that have been surveyed and furnished with record-of-rights, as with certain restrictions it contemplates to allow the owners of such estates to use the certificate procedure for the realization of the rents, etc., due to them.

"Certain clauses in the Bill may appear to bear rather hard on the landlords, but the circumstances constrain the Government to reserve some powers to deal with cases of extreme hardship on the tenants of certain areas. Before I conclude, Sir, I beg to say that the Bill before us, when it passes into law, will, in many respects, prove a boon both to the landlords and tenants, and

[*Raja Ban Behari Kapur; Mr. Allen; Mr. Macpherson.*]

there is some possibility of its improving the relations between them. Therefore I have the honour to support the introduction of the Bill now before the Council."

The Hon'ble MR. ALLEN said:—"Your Honour: the Bill now before the Council is probably the most important piece of legislation on rent matters since 1885, and no doubt its provisions will receive the full consideration of this Council at a later stage. I do not propose to consider these matters further at present, more especially as it is hardly likely that the Bill, as drafted, will emerge from the consideration of the Select Committee in precisely its present form. I only wish to detain the Council, in order to assure them, as well as the Hon'ble Mr. Bertram, that some observations of his with regard to the conditions of rent legislation in Bengal are scarcely warranted. The Hon'ble Mr. Bertram has found fault with the Government for not importing into their tenancy legislation certain principles which he considers should find a place there. He wishes our tenancy legislation to be up to date. I should like to take this opportunity of informing the Hon'ble Mr. Bertram that the Bengal Tenancy Act of 1885 is, as a matter of fact, a model piece of rent legislation, and it represents the most up-to-date principles to which he has referred. He has spoken for instance of great principles involved in the three F's: fixity of tenure, fair rent and free sales. Members of this Council who have studied the Act will no doubt be aware that, as regards fair rent and fixity of tenure, these two great principles are embodied in this Act. As regards fixity of tenure, the settlement records show that not less than something like between 80 and 90 *per cent.*, or even more, of the tenants in this Province have occupancy rights, not including the raiyats who hold at fixed rates and enjoy an even stronger position. The occupancy right carries in the fullest sense fixity of tenure and fair rent. The occupancy raiyats's rent cannot be enhanced except by the decree of a Court, and then only on one or other of certain specified grounds; he cannot be ousted from his tenancy, except by a decree of a Court, and then only for certain prescribed reasons. The other principle to which the Hon'ble Mr. Bertram referred that of compensation for unexhausted improvements is, I am happy to say, provided for by section 82 of the Bengal Tenancy Act in its fullest form. I think, therefore, it is only right to say that the very principles for which the Hon'ble Mr. Bertram has contended find at present a place in the existing tenancy legislation of Bengal."

The Hon'ble MR. MACPHERSON said:—"I should like to make a few remarks with regard to an observation that fell from the Hon'ble Babu Bhupendra Nath Basu. The Hon'ble Member said that in his opinion there was no sufficient case for withdrawing the ordinary procedure as to settlement of disputes between landlords and tenants, that is, with regard to interference of the Courts in the matter of compromises. I believe that papers have already been circulated by the hon'ble mover showing the necessity for the clauses of the Bill in question; and I know that abundant reason is to be found in the records of the Courts and of the Settlement Officers. I look upon these provisions as an extension of the remedial measures for the protection of the weak against the strong, which have been developed in recent years as a principle of modern legislation affecting the land. Those remedial measures began so far as the agricultural tenant in Bengal is concerned, with the acceptance in the Rent Act of 1859, and in a fuller measure in the Bengal Tenancy Act of 1885, of the principle that there should be some interference with the freedom of contract between landlord and tenant. So the Civil Courts have power to interfere in the matter of enforcement of unconscionable contracts, for instance, with regard to levy of excessive interest, the principle being that the Courts should have power to protect when an oppressive contract has been made between persons, one of whom held a dominant position at the time of contract. I look upon these clauses of the Bill as a proper and necessary development of an accepted principle of the law of agricultural tenancy in Bengal."

The Hon'ble MR. CARLYLE in reply said :—"Your Honour: as questions o principles can again be raised when the motion is to appoint a Select Committe of Members, I will only touch very briefly on the points that have been raise to-day.

"As regards the Hon'ble Babu Bhupendra Nath Basu's objection that th Bill involves legislation in this Province which will differ from that in Easter Bengal, we are not, of course, in a position to commit the Government o another Province, but we have been in communication with the Government o Eastern Bengal and Assam about this Bill, and I have no doubt, after the Bil has been passed in Council, they will consider what has been done by us, an I hope they may be in a position to accept it as it stands. Of course I canno pledge the Government of Eastern Bengal and Assam to any course.

"The question of having the Bill introduced in the Supreme Council wa considered, and the Hon'ble Babu Jogendra Nath Mukerjee has given very goo reasons for our preferring to introduce it here.

"The Hon'ble Mr. Macpherson has dealt very fully with the Hon'ble Babu Bhupendra Nath Basu's objection that the Bill interferes with compromise between landlords and tenants, although in Courts they are at arms length and although in other cases they are left to take their chance.

"I would draw the attention of the Council, to the fact that in many o the compromises which we object to, the tenants and landlords are not really at arms length at all. The whole suit in Court is a mere fiction, and a engine of oppression on the part of the zamindar who is powerful enough t compel the raiyat to come in and agree to any terms; the object of th zamindars being to give a legal colouring to an otherwise illegal enhancement.

"Another objection of the Hon'ble Babu Bhupendra Nath Basu, in which h was supported by the Hon'ble Mr Bertram, the Hon'ble Mr. Chaudhuri an the Hon'ble Babu Jogendra Nath Mukherjee, refers to the question of Govern ment selecting the zamindars who are to have summary powers. The sugges tion has been made, I must say, for the first time; it never occurred to m before that such an objection could be made that Government will use thi power to put pressure on zamindars to compel them to support Government I think the Hon'ble Babu Jogendra Chandra Ghose was quite right in saying that such a charge was a slur on the zamindars, and I would also point out tha it is absurd to suggest that Government could use this power as a bribe t zamindars. If indeed the powers were given to only one or two men, this is conceivable, but if the section is a success it is inconceivable that Govern ment should select its zamindars on purely political grounds.

"With regard to the Hon'ble Mr. Bertram's objection that there was no representative of the raiyats present when the Committee dealt with the Bill, I would point out that no one would have been better pleased than Government if it had been possible to appoint a representative of the raiyats to take part in our deliberation, but I know of no raiyat in Bengal competent to take part in such discussions. The Secretary of the Committee was Mr. Kerr, Director of Land Records, and I believe the general impression among zamindars is, that the Settlement Department is not unduly favourable to zamindars.

"The Hon'ble Mr. Allen has dealt with the Hon'ble Mr. Bertram's remarks about fair rent and fixity of tenure. As regards the question of free sales, there is no more hotly debated subject than whether the tenant should be given a right of free sale, and the objection to free sales being given does not come from the enemies of the tenants but from their friends. If we confer this right upon them, many fear we will put them in the hands of the *mahajans*.

"As regards the Hon'ble Mr. Chaudhuri's objection that too great powers are being given to Revenue Courts both as regards record-of-rights and settlement of rents, it is impossible to carry out settlements or prepare a record-of-rights on a large scale through the Civil Courts; the thing has been tried and proved a complete failure; rents cannot be settled on a large scale by people sitting in Court.

[*Mr. Carlyle; Mr. McIntosh; Babu Jogendra Nath Mukherjee.*]

"I do not quite follow what the Hon'ble Babu Jogendra Nath Mukherjee proposes to substitute for the certificate procedure. He referred to the possibility of attaching more weight to the record-of-rights, but I do not quite understand how he proposes that this should replace the clauses now in the Bill. As regards his objection that the country in general has not been consulted, and that he cannot tell how zamindars will take this Bill, it is now being circulated, and opinions will be received from all parts of the country. A Bill must be prepared in some form or another before it can be circulated for opinion."

The Motion was put and agreed to, and Secretary accordingly read the title of the Bill.

THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.

The Hon'ble MR. MCINTOSH moved for leave to introduce a Bill to amend the Bengal Local Self-Government Act of 1885.

The Motion was put and agreed to.

The Hon'ble MR. MCINTOSH then introduced the Bill and moved that it be read in Council. He said:—

"The intention is, that this Bill should be published and circulated for opinions and criticisms before it is further proceeded with. The original Bill, introduced by Mr. Shirres in 1904, has been withdrawn and this one substituted as some further amendments of the Act have been proposed, and these further amendments are included in the present Bill. When Mr. Shirres introduced the Bill in 1904 he drew the attention of Hon'ble Members of Council to two important proposals, namely, the provisions to enable District Boards to pay for the cost of bridges built subsequent to the passing of the Act by levying tolls on them and the provisions enabling a District Board by the imposition of a cess to pay sums guaranteed by them by way of interest or repayment of a loan taken for the construction of a Railway or Tramway. Proposals to this effect are retained in the present Bill. The proposed amendments in other respects are so fully explained in the lengthy Statement of Objects and Reasons that I think I have nothing to add to that statement at present."

The Hon'ble BABU JOGENDRA NATH MUKHERJEE said:—"With Your Honour's permission I would make one or two observations upon this Bill. A very important matter is that relating to district sanitation, and I beg to urge it for the consideration of the Council. The question of district sanitation in Bengal has been brought to the front year after year for some time, and I think advantage should be taken of the opportunity which this Bill affords to introduce something into the Act which will put more life into the important question of district sanitation. We find some provision regarding Municipal water-supply and things like that, and I dare say the existing Act, if it was worked properly, could probably place no impediment in the way of either the Civil Surgeon of the District Board or District Officer in effecting sanitary improvements in the district; but it is one thing to have impediments removed theoretically and it is quite another thing to consider the question from a practical stand-point.

"What I mean to submit in this Council is this: that as matters stand at present there is practically no machinery in the district administration by which the question of district sanitation can be effectively considered. We know that the District Officer's hands are quite full with various matters; he cannot give his undivided attention to this subject; the Civil Surgeon is supposed to be the Health Officer of the district; he also has his jail to attend to; he has got his charitable dispensaries; he has to make tours in the interior to inspect private and public dispensaries, and over and above that his private practice and many other things besides; so that we cannot expect the Civil Surgeon also to pay undivided attention to this most important question of district sanitation.

[*Babu Jogendra Nath Mukherjee; Babu Jogendra Chandra Ghose*]

"It might also be said that while we introduce Local Self-Government, why should not the District Board take this matter up and work out the solution of that problem. To that also I have to say something. We must take things as they come. We all know the District Board is composed of busy men, at least they can only devote a small portion of their time to the work of the District Boards, and we cannot expect the District Board also to take the initiative in matters of this kind.

"I would therefore suggest to Hon'ble Members of this Council and to your Honour's Government whether or not a permanent all-time Health Officer can be introduced in the District Boards whose sole duty would be to consider questions of district sanitation, and I dare say if that were his sole duty, he would place matters before the District Board and thereby some initiative would be taken on these lines. That is the question of principle. I would place before Council for more reasons than one, and because I am perfectly sure that the Government is very anxious to solve the question itself. I find that there is no provision in the law whereby a thing like that could be introduced by legislation. I should like very much if this question was considered, and I would invite criticisms upon it.

"As regards other provisions of the Bill, there are many which remove practical difficulties, and I have nothing to say as regards those; and when the time comes I may have something to say, but that is the chief point I have to urge for consideration at present."

The Hon'ble BABU JOGENDRA CHANDRA GHOSE said:—"Your Honour: as representing the District Boards of the Presidency Division, I feel it my duty to enter my strong protest against the introduction of this Bill. My main grounds are, that a new cess is going to be imposed upon the landlords and tenants for the construction of Railways. When the Road Cess was introduced, it was considered an infringement of the Permanent Settlement. That Act has led to the construction of roads, railways and waterways which are beneficial to the country, but the landlords and tenants of this country are unable to pay further cesses. We have got Railways in abundance and if it were put to the people of this country, I feel bold to say that not one man in this country, whether a raiyat or a landlord, would have a further cess for Railways. Then I find that this Bill authorizes expenditure on hostels. It is a very well-known fact that the education of the masses is sadly neglected in this country. Secondary education, education of the higher classes, is not the proper business of the District Boards, and the burden of providing hostels for schools and colleges or even for medical schools ought not to be cast upon the District Boards; on the contrary, I feel, Sir, that further sums should be placed in the hands of the District Boards for encouraging primary education among the masses. If it were the imposition of a new cess for primary education, I would cordially have supported it, for, as I have said, the education of the masses has been sadly neglected. Now, to impose a further liability upon the District Boards of making and supporting hostels is, in my humble opinion, not wise, as they would in that case be incurring expenditure which they did not incur before.

"One item of expenditure is, for residence for the District Engineer. The District Engineer has for the last 40 years been able to manage without a residence and the District Boards should not now be called upon to furnish him with a residence. The District Boards are in all conscience poor enough and now to make them build houses for District Engineers is, in my humble opinion, not right.

"I ought not to take up Your Honour's time further upon the various provisions of the Bill. I have indicated my main objections and I will only add one word and that is, after the Road Cess Act the Drainage Act was passed which devises a means by which new canals and drainage projects might be carried on. Instead of providing for the imposition of a new cess that procedure would, in my humble opinion, have been better."

[*Mr. Chaudhuri; Babu Bhupendra Nath Basu.*]

The Hon'ble MR. CHAUDHURI said:—"I join my friend, the Hon'ble Babu Jogendra Chandra Ghose, in protesting against the provision of the Bill, which seeks to confer power on the Local Government to empower District Boards to levy cesses for guaranteeing local railways or tramways. In anticipation of this measure, I had put forward my objections in my last Budget speech, and have no desire to reiterate them. The District Boards can even now give guarantees to local railways. But since they have no power to levy cesses on this account, they take every care to satisfy themselves that the guarantee may not prove a source of ruin to them. I belong to the District Board of Pabna, and I know of one instance where a project of a Railway for one corner of the district, namely, from Serajganj to Ullapara, was pressed upon the District Board with the support of the District Magistrate, who is, I need hardly say, always the Chairman of the Board. Some members sternly opposed this speculative project, on the ground that, if the Railway did not pay its way, the Board will have to face bankruptcy. It is this apprehension that prevented them from speculating with public money. But, if the provision of the Bill before us today became law, the Boards would not weigh the *pros* and *cons* of a Railway project with the same degree of responsibility. The recommendation of a project of the kind from the Government or the District Magistrate is often a mandate to the members of the District Board, where the elected members are practically in a standing minority.

"In future, if a project of the kind was proposed which would but benefit a small section of the community, and the Magistrate happened to support it, the official members will say ditto, and the result would very likely be that a fresh cess will have to be imposed to recoup the drain on the District Board Fund. The Railway may benefit the immediate neighbourhood through which it may pass. But is it fair that the people of the whole district should be taxed for maintaining such a Railway? What would the tax-payers of Calcutta think if the Corporation entered into a speculative transaction with the Tramways Company, and guaranteed interest on the capital expenditure, and then sought to recoup it by the increase of rates and taxes from the general rate-payers of this town? Railways and Tramways are no doubt great conveniences, but it is a fair principle of business that it is only those, who avail themselves of such conveniences, who ought to pay an adequate fare or freight to secure dividend on the capital outlay. On no principle, therefore, can we, the representatives of the ordinary tax-payers of the country, support the project of a Railway cess.

"The details of this Bill, like the one which immediately preceded it, offers much scope for criticism. I shall, however, satisfy myself by pointing out some of its more objectionable features. The proposal made for the abolition of the Sadar Local Boards will go to reduce the elective element in the District Boards, and therefore should not find place in a measure whose avowed object is to confer Local Self-Government on the people.

"This Bill also seeks to legalize payments out of the District Board Funds for a variety of purposes which in no way fall within the scope of local funds. The most astounding provision of this character is the one which says that the District Board Fund may even be saddled with such expenditure as may go to improve the breed of horses, mules and even asses! [Clause 59 (*10*)]."

The Hon'ble BABU BHUPENDRA NATH BASU said:—"Sir, I rise in support of what has fallen from my friend, the Hon'ble Babu Jogendra Chandra Ghose. The cry has been that we Indians are over-taxed. I am also aware that that cry has been endeavoured to be answered in very high quarters, but the fact of the people's poverty, especially the agricultural people, cannot be disputed or denied. I do not think the country will tolerate it unless it is forced upon them. The levy of additional cesses for the purpose of Railway communications to enable investors to earn dividends will be a cruel impost upon the agricultural population. I would ask Your Honour's Government to consider this proposal, to consider the burden already imposed upon the people and whether it would be advisable, in the interests of investors and capitalists, to place additional burdens upon the people. The

[*Babu Bhupendra Nath Basu; Babu Radha Charan Pal.*]

Railways no doubt would be a great advantage to the people in the interior and as that would mean a much larger revenue to the main lines in the country, means may be found by which the large profits earned by Railways should be made available to work their lines and not the cess-payers. They will no doubt contribute to the cost as passengers and as carriers of goods.

"Then as regards the question of saddling District Boards with the burden of maintaining hostels for schools and colleges, I also agree with my friend, the Hon'ble Babu Jogendra Chandra Ghose. I have attempted to show in this Council, on previous occasions, that the expenditure incurred by Government on the education of the people is shamefully inadequate. No civilized Government in the world, taking the East and the West, has spent so very little money on the education of the people. It is an imperial duty which is cast upon the Government to educate its people, and therefore, Sir, it behoves the Government to come to the aid of the people, at least in the higher branches of education. My friend has said that were the further cesses to be levied on Primary Education it might be justified, but whether it might be justified or not is a question which I am not at present prepared to discuss. If that were justifiable, certainly the cost of maintaining schools and colleges for the children of other classes should not be cast upon the poor agriculturists of the soil.

"Passing to another question which my friend, the Hon'ble Babu Jogendra Nath Mukherjee, has raised—the question of having a whole-time Health Officer for District Boards, I am quite sure the sympathies of Your Honour will be with my friend. Your Honour has been pleased to observe on more than one occasion that the sanitation of the district requires much more careful looking after than it receives at present, and as my friend has pointed out, those who are entrusted with this work of sanitation have scarcely any time to devote to it. There was a time in the history of Calcutta itself when the Health Officer of the Corporation of Calcutta was not a whole-time Officer. He was a servant of the Government discharging other duties and devoting a portion of his time to the duties of the Corporation. Having regard to the enormous rate of mortality which prevails in the mufassal, I hope the suggestion of my friend will receive careful consideration at the hands of Your Honour's Government."

The Hon'ble BABU RADHA CHARAN PAL said:—"Sir, I cannot give a silent vote on this occasion, and I regret to say that this motion of the hon'ble mover is opposed by my community with a unanimity almost unprecedented. This question of imposition of cesses was referred to public bodies some time ago, and I well remember it was received with feelings of great regret and, I may say, with dismay. It was discussed in our Committee rooms, and the community submitted their respectful protest through the representative Associations to Government. I regret, however, to find that their representations had no effect upon Government, and this measure which contains provisions for imposition of cesses to guarantee payment of interest on light railways is introduced.

"It is well known that the cry at the present moment is that we are overtaxed; it is also well known that our rulers both here and in England are anxious to see that the people lead a contented life. Sir, over-taxation is the seed of discontent. Perhaps Your Honour may remember, and some of the older Members also, that at one time over-taxation raised a certain amount of discontent in this country, that it attracted the notice of Government, and Lord Northbrook, when vetoing the Bengal Mufassal Municipal Bill of Sir George Campbell, said that he could not, in the presence of such discontent in this country, give his assent to a measure which contained so many provisions of taxation and which would add to the burdens of the people. The burdens of the people are already great; they are groaning under a heavy load of taxation; from one end of the country to the other, there is the cry of the poverty of the overtaxed people. I do not propose at this moment to discuss that question, but there cannot be any doubt that the people of this country are not quite contented with their lot so far as taxation is concerned. No doubt, we are deeply grateful to Government for the blessings of peace, security and protection of life and property which they have

given us; but at the same time, Sir, we are bound to say that we groan under a heavy load of taxation. I therefore beseech Your Honour, in the name of the community to which I belong, not to proceed with this Bill which contains a provision which is so obnoxious and alarming to the people at large, and which will also at this moment when the country is passing through a period which is, I am sure, not very satisfactory to all parties concerned be not conducive to the best interests of the people and of Government.

"It is my duty also to point out that the sanitation of the country is an object which ought to attract the foremost attention of Government. As Government maintains its Army and Navy for the preservation of its subjects, it ought to maintain and equip a proper number of doctors and hospitals for the preservation of the lives of the people and to concert measures for the prevention or mitigation of epidemic diseases which so largely prevail in the villages of Bengal. A well-ordered administration is expected to save the lives of the millions of the people who are entrusted to its charge. If you look round and see how many thousands and thousands of people under Your Honour's protection die every year of malaria, I am sure your sympathy will be roused for the helpless people.

"I hope Your Honour will kindly take into consideration the question which has been raised by my friend, the Hon'ble Babu Jogendra Nath Mukherjee, of making provision for the appointment of a permanent Health Officer in the districts for improving the undrained and water-logged condition of the districts which generates the malaria which is decimating hundreds of thousands of the people at this moment. The cry has often been raised not only in the Press and on the platform, but also in this Council to make some attempt to save the lives of the people. It is said Calcutta is overcrowded, and why? Let any one of us go a couple of miles out of Calcutta, and he will find whole families smitten down by malaria and that is one of the reasons why Calcutta is so much overcrowded. I think the funds of the District Boards for some time to come ought to be devoted mainly, if not wholly, for the improvement of the sanitation of the districts, and I trust when this Bill emerges from the Select Committee, it will meet with the approbation of the public."

The Hon'ble MR. BERTRAM said:—"Your Honour: the Hon'ble Babu Radha Charan Pal talks of 'my people.' I am also one of the people; so also is the Hon'ble Mr. Allen. He represents the Corporation of Calcutta, and I am astonished at the harangue of my hon'ble friend against the introduction of this Bill. The whole of his complaint seems to be that Railways are a curse to the country and should not be encouraged in any way. It seems to me that the object of this Bill with reference to the particular part at issue, which has met with such trenchant criticism from the representative of the Corporation of Calcutta, is that it is possible for a Local Board in the exuberance of their enthusiasm for sanitation in their district, and for improving the connections between zamindars of large estates and other purposes, to encourage a body of capitalists to come forward and advance the money. It is found inconvenient, perhaps, sometimes to cut down any of the improvements for taking away malaria and catching mosquitoes to find the interest; therefore these wretched capitalists, who advance their money are left stranded. Government apparently have recognized that it is necessary to open up the Mufassal by light railways and my reading of the subject has shown me that these District Boards make a fine financial arrangement by these light railways. They are very fine institutions indeed. Look at the Howrah-Amta Light Railway, where the District Board share in the profits and it is a good contribution to the reduction of taxation, under which India is always said to be suffering. My friends, the Hon'ble Babu Radha Charan Pal and the Hon'ble Babu Bhupendra Nath Basu, should go to other countries where they will find that the taxes are higher. In this connection, representing as I do the interests of Commerce, I am very thankful to the hon'ble mover for having introduced a Bill like this and protecting in some way the possible, though I am sure the absolutely remote chance, of those who find the money for light Railways, being left stranded, because the Local Board might have committed itself to some other projects and therefore they have not

got the money to pay the capitalists their interest. The complaint is generally made outside that the District Boards are suffering from sleepiness and they want waking up, and anything that will give them more work to do will encourage them in good deeds should receive the support of this Council and the outside public. My friend, the Hon'ble Babu Radha Charan Pal, who, like Janus, has two faces, has, I am sorry to say, also two voices, because the voice proceeding from the one Janus here to-day has been a totally different one from that where the Hon'ble Mr. Allen presides, and I do not think his opposition to the introduction of this Bill is really sound."

The Hon'ble MR. CARLYLE said:—"I only want to deal with one point and that is the question of enabling District Boards to impose a new cess. I think the Hon'ble Members who oppose this have entirely overlooked the fact that District Boards who encourage light Railways would considerably add to their revenues. A good system of light Railways is much wanted in where the population is dense, and I believe most of the District Boards could make a large income out of light Railways."

The Hon'ble Mr. MCINTOSH in reply said:—"As the Bill will be circulated for opinion, it seems unnecessary to go into the objections which have been raised by certain Hon'ble Members of this Council to-day. These objections will be dealt with when the Bill comes again before the Council. The Hon'ble Babu Bhupendra Nath Basu has raised the general question of the burden of taxation in this country. This does not appear to me to be the time for discussing so difficult and intricate a question, and I therefore refrain from discussing it, but I trust that I may not be taken as agreeing with his views on this subject."

The Motion was put and agreed to, and Secretary accordingly read the title of the Bill.

The Council was then adjourned to Saturday, the 1st December 1906.

CALCUTTA;
The 3rd December, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

By subsequent order of the President, the Meeting was postponed to Saturday, the 15th December 1906.

B. S. Press—6.12.1906—12559—300—C. O. G.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled under the provisions of the Indian Councils Acts, 1861 and 1892.

The Council met in the Council Chamber on Saturday, the 15th December, 1906, at 11 A.M.

Present:

The Hon'ble SIR ANDREW FRASER, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The Hon'ble MR. F. A. SLACKE.

The Hon'ble MR. W. C. MACPHERSON, C.S.I.

The Hon'ble MR. E. W. COLLIN.

The Hon'ble MR. R. W. CARLYLE, C.I.E.

The Hon'ble MR. H. J. MCINTOSH.

The Hon'ble MR. T. W. RICHARDSON.

The Hon'ble MR. G. GORDON.

The Hon'ble MR. C. G. H. ALLEN.

The Hon'ble Mr. J. CHAUDHURI, M.A.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad.

The Hon'ble RAJA BAHADUR BEHARI KAPUR, C.S.I.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE, M.A., B.L.

The Hon'ble BABU BHUPENDRA NATH BASU, M.A., B.L.

The Hon'ble MR. SYED SHURFUDDIN.

The Hon'ble MR. W. T. SPINK.

The Hon'ble MR. J. R. BERTRAM.

The Hon'ble BABU RADHA CHARAN PAL.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE, M.A., B.L.

NEW MEMBER.

The Hon'ble MR. CARLYLE took his seat in Council.

[*Mr. Bertram; Mr. Carlyle; Babu Jogendra Nath Mukherjee; Mr. McIntosh.*]

QUESTIONS AND ANSWERS.

ZOOLOGICAL GARDEN.

The Hon'ble MR. BERTRAM asked:—

Will the Government be pleased to arrange for the Zoological Garden to be open free to the public for one day in each month? If not, why not?

The Hon'ble MR. CARLYLE replied:—

"There is a Committee appointed to the charge of the Zoological Garden. This Government does not think that it should express any opinion on such a proposal until it has been formally submitted by its advocates to, and fully considered by, that Committee."

ARTICLES OF EUROPEAN MANUFACTURE.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

(*a*) Has the attention of the Government been drawn to the fact that the District Boards of Bengal are required to obtain articles of European manufacture of the value of more than fifty rupees from England direct by indent upon the Secretary of State for India, even when such articles are readily obtainable in India?

(*b*) Will the Government be pleased to state if there is any provision in the Bengal Local Self-Government Act of 1885, or any rule made consistently with the said Act, under which the District Board can be required to purchase articles of European manufacture of the value of more than fifty rupees by indent upon the Secretary of State for India?

The Hon'ble MR. MCINTOSH replied:—

"The rules regarding the purchase of European Stores are contained in Article 1403 of the Public Works Department Code and the Appendix thereto. These rules are framed by the Government of India.

"The District Fund is an Incorporated Local Fund, the revenues and expenditure of which are under the control of Government; and there is no provision in the Local Self-Government Act empowering a District Board to disregard these rules."

JAMALPUR SHOOTING CASE.

The Hon'ble BABU JOGENDRA NATH MUKHERJEE asked:—

(*a*) Has the attention of Government been drawn to an article in the *Bengalee* newspaper of the 25th November, 1906 (*dak* edition), relating to a case described in the said newspaper as the "Jamalpur Shooting Case"?

Is the story of the investigation into, and trial of, the case given therein substantially correct?

(*b*) Has the Government received any official report regarding this case? If so, will the Government be pleased to lay it on the table? If no report on the said case has yet been received, will the Government be pleased to call for one, containing an authentic account of the steps taken by the authorities to discover the persons who had shot down some of the men employed in the East Indian Railway workshop at Jamalpur, and the circumstances under which the shooting was resorted to?

(*c*) Will the Government be pleased to state how many workmen were killed and how many were wounded during the incident referred to in the said article?

[*Mr. Carlyle; Babu Jogendra Chandra Ghose; Mr. McIntosh.*]

The Hon'ble MR CARLYLE replied:—

"(*a*) The attention of Government has been drawn by the Hon'ble Member to the article in the *Bengalee*.

"The story therein given of the investigation into, and the trial of, the case is not substantially correct.

"Notably the statement that ten European Assistants stated before the Assistant Inspector-General of the Government Railway Police that they had seen Macmillan fire is absolutely incorrect. No European Assistant whatever made any such statement.

"(*b*) Government has received official reports regarding the case. These are still under consideration.

"The official reports show that a shot gun was used; that three shots in all were fired; that a youth named Finlayson admitted having fired all the shots into the air with a view to frightening away the attacking mob; and that the last of these, though fired over the heads of the mob, did take effect at a considerable distance.

"(*c*) No one was killed; but five workmen were wounded. In the opinion of the Civil Surgeon, by whom they were examined, the wounds on four of them (one man had two wounds) were probably caused by stray shot, but not the scratches found on the person of the fifth. The wounds were of a petty nature. The full charge appears to have passed over the heads of the mob; but owing to the distance at which the shot was fired, the pellets would scatter a great deal and five of them caught the wounded men."

ELECTION OF CALCUTTA MUNICIPAL COMMISSIONERS.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Is the Government aware that during the last two elections of the Calcutta Municipal Commissioners, there was absolutely no interest shown in them by the rate-payers and that in wards where in previous elections fifteen hundred to two thousand votes were recorded, either the elections were uncontested or there were not more than two to three hundred votes at the highest recorded?

(*a*) Is the Government aware that the Hon'ble Mr. Allen, Chairman of the Corporation of Calcutta, declared, at the meeting of the Corporation of the 8th of November last, that, so far as the Calcutta Municipality was concerned, "the whole system of election was absolutely a farce"?

(*b*) Will the Government be graciously pleased to institute an inquiry, by appointing a Committee or otherwise, into the causes of this lamentable lack of interest of the rate-payers and the failure of the system of election in the second city of the British Empire and take steps to remedy them?

The Hon'ble MR. MCINTOSH replied:—

"Questions I and II are answered together.

"The Hon'ble Member is referred to paragraphs 1 and 8 of the Report on the Municipal Administration of Calcutta for the year 1905-06 where the subject of his questions is dealt with. The proposals referred to therein for revising the election rules are, it is understood, now under the consideration of the Corporation."

[Babu Jogendra Chandra Ghose; Mr. McIntosh.]

ESTABLISHMENT CHARGES OF THE CALCUTTA MUNICIPALITY.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

(*a*) Is the Government aware that there has been a great increase in the establishment charges of the Calcutta Municipality since the new Act came into force?

(*b*) Will the Government be pleased to ask for a return from the Calcutta Municipality showing the amount of the establishment charges of the Corporation before the passing of the new Act and at present, the amount paid to Commissioners as their fees for attending Committee meetings and the amount spent by the Corporation on opening out new roads and improving bustees since the new Act came into force?

(*c*) Is it a fact, as was mentioned by Mr. Braunfield, a Municipal Commissioner, at the meeting of the Corporation of the 14th November last, that 22 lakhs were annually spent by the Corporation for establishment out of an available income of 42 lakhs after paying the interest for Corporation loans?

The Hon'ble MR. MCINTOSH replied:—

"The information asked for by the Hon'ble Member can be gathered from the accounts of the Corporation which are published annually."

HURRISH CHUNDER MUKHERJI'S ROAD AND WOODBURN PARK.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Is the Government aware that many improvements, such as the Hurrish Chunder Mukherji's Road extension and the Woodburn Park, to mention two out of many such passed by the Corporation before or shortly after the new Act came into force, have not yet been carried out?

The Hon'ble MR. MCINTOSH replied:—

"Government has no particular information about the progress made with the extension of the Hurrish Chunder Mukherji's Road. The Hon'ble Member's attention is invited to paragraph 12 of the Report on the Municipal Administration of Calcutta for the year 1905-06, where it is said that 'in view of the impending demands on account of the Improvement Trust, great caution is necessary in undertaking capital works other than those of an immediately reproductive character, and the bulk of the available funds must be devoted at present to financing the all-important water and drainage schemes to which the Corporation stands committed.'

"Some information regarding the progress made with the Woodburn Park is given in paragraph 25 of the same Report."

SUBURBAN DRAINAGE PROJECT.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to require the Corporation to submit a statement showing the causes of the great delay in carrying out the Suburban Drainage Project and to mention a limit of time within which the Corporation should carry it out?

Will the Government be pleased to consider whether, in the face of the inability of the Corporation to carry out the drainage and other projects passed many years ago, it is advisable to ask it to take up the gigantic improvements contemplated by the City Improvement Scheme?

The Hon'ble MR. MCINTOSH replied:—

"The Hon'ble Member is referred to paragraphs 11 to 13 of the Government Resolution on the Report of the Municipal Administration of Calcutta for the year 1904-05 and to paragraph 24 of the Calcutta Municipal Administration Report for the year 1905-06. Government sees no need to take action in the manner suggested by the question.

[*Mr. McIntosh; Babu Jogendra Chandra Ghose.*]

"The Calcutta Improvement Scheme is still under the consideration of the Governments of India and Bengal."

BHAIRAB RIVER.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state whether it will be pleased to spend this year Rs. 75,000, provided for in the current financial year for the improvement of the river *Bhairab*, in the district of Jessore, from Singhia up to the town of Jessore under the Canals Act?

The Hon'ble MR. MCINTOSH, in the absence of the Hon'ble MR. INGLIS, replied:—

"It is not probable that there will be any expenditure on this scheme in the current year. It has been ascertained that the cost of making a cut from Singhia to Roopchie, and of dredging the bed of the Bhairab from Roopchie to Jessore would be considerably greater than was at first thought: while the work would be of small value as a means of communication. The possible value of the scheme as a sanitary measure will be considered by the Committee which is at present holding an inquiry into the general conditions of the drainage and of the river channels of the districts in the Presidency Division."

JESSORE DRAINAGE SCHEME.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state how far the drainage scheme under the Sanitary Drainage Act, taken up by the District Board of Jessore for the improvement of the river *Bhairab* from the town of Jessore up to its source, has progressed, and whether, considering the importance of the matter, the largeness of the expenditure and the poverty of the raiyats of the district, who will have to contribute the major portion of it, the Government will be pleased to contribute towards the cost of the scheme?

The Hon'ble MR. MCINTOSH replied:—

"The Hon'ble Member is referred to Notification No. 62 S, dated the 6th August, 1906, published at page 1582 of the Calcutta Gazette, Part I, of the 15th August, 1906. The District Board have been asked to elect their representatives to the Board of Drainage Commissioners, and when these have been elected and the Government nominees have been appointed, the Board will proceed under section 6 (i) of the Sanitary Drainage Act to prepare a preliminary scheme and survey. When this has been drawn up and the cost of the project has been ascertained, Government will be prepared to consider the question of making a contribution from provincial revenues."

JESSORE WATER-WORKS SCHEME.

The Hon'ble BABU JOGENDRA CHANDRA GHOSE asked:—

Will the Government be pleased to state how long the Jessore Water-Works Scheme, approved by His Honour the Lieutenant-Governor, has been under the consideration of the Government, and whether the Municipality of Jessore can shortly expect to receive the sanction of the Government to the scheme?

The Hon'ble MR. MCINTOSH replied:—

"The Municipal Commissioners of Jessore have not yet submitted to Government for final sanction their water-works scheme. The Municipal Commissioners have experienced difficulty in carrying out the experimental borings in the bed of the *Bhairab* river which are required in order to see whether a reliable source of supply is available, and they have applied to Government for help. Government is now arranging to lend the Municipal Commissioners a set of boring instruments and the services of a subordinate who has experience in working them. Government will be glad to sanction a suitable scheme as soon as it is got ready by the Municipal Commissioners."

[*Mr. Syed Shurfuddin; Mr. Richardson.*]

JURY CASES.

The Hon'ble MR. SYED SHURFUDDIN asked:—

Will the Government be pleased to state, district by district, the number of cases tried by jury during the 10 years ending 31st March, 1905, the number of cases in respect of which the Sessions Judge concurred with the verdict of the jury, the number of cases in which the Sessions Judge, not agreeing with the jury, made a reference to the High Court, under section 307, Criminal Procedure Code, and the result of each such reference?

The Hon'ble MR. RICHARDSON replied:—

"The statistics required by the Hon'ble Member are not available for the period mentioned by him nor in respect of each jury district.

"The information to be found in the Annual Reports of the High Court on the Administration of Criminal Justice is contained in two statements laid on the table, in one of which the figures denote persons and in the other cases. All the figures relate to the calendar year."

Statements referred to in the above answer.

I.—PERSON.

		Number of persons tried by Jury.	Number of persons in whose cases Sessions Judge approved verdict.	Number of persons in whose cases Sessions Judge did not approve verdict.	Number of persons in whose cases a reference was made to the High Court.
		1	2	3	4
Including figures for the transferred Jury districts.	1896 ...	593	529	64	43
	1897 ...	848	796	52	39
	1898 ...	1,161	1,048	113	67
	1899 ..	984	877	107	62
	1900 ...	1,187	1,065	122	70
	1901 ...	1,077	966	111	58
	1902 ...	1,130	1,007	123	85
	1903 ...	1,060	922	138	64
	1904 ...	1,063	876	187	83
	1905 ...	622	546	76	42
	Total ...	9,725	8,632	1,093	613

II.—CASES.

		Number of references before High Court.	Number decided.	Verdict accepted.	Verdict modified.	Verdict set aside.	Remanded for re-trial.
		1	2	3	4	5	6
Including figures for the transferred Jury districts.	1896 ...	33	31	9	7	18	2
	1897 ...	30	27	5	4	18	...
	1898 ..	47	43	11	2	30	...
	1899 ...	44	32	8	2	22	...
	1900 ...	51	49	13	4	32	...
	1901 ...	38	26	9	...	17	...
	1902 ...	63	57	20	2	35	...
	1903 ...	45	39	16	3	19	1
	1904 ...	55	46	8	6	31	1
	1905 ...	28	25	7	2	14	2
	Total ...	434	375	106	32	331	6

[*Mr. Syed Shurfuddin; Mr. Richardson; Mr. Carlyle.*]

SUBORDINATE EDUCATIONAL SERVICE.

The Hon'ble Mr. Syed Shurfuddin asked:—

Will the Government be pleased to state if it is a fact that, since September, 1905, no promotion has been granted to the members of the Subordinate Educational Service, on the ground that the new scheme for the re-organization of the service sanctioned by the Secretary of State for India would soon be promulgated? If this be a fact, will the Government be pleased to state when is the new scheme going to be promulgated?

The Hon'ble Mr. Richardson replied:—

"The answer to the first part of the Hon'ble Member's question is in the affirmative. As to the second part, a Resolution giving effect to the scheme of re-organization has been drawn up and will be published immediately. It has been decided that the promotions admissible under the scheme will take effect from the 10th September, 1905. The arrangements for bringing the scheme into operation had to be made in consultation with the Government of Eastern Bengal and Assam and this has caused some delay."

SENIOR DEPUTY MAGISTRATES AND THEIR POWERS.

The Hon'ble Mr. Syed Shurfuddin asked:—

Will the Government be pleased to state if the Senior Deputy Magistrates enjoying first-class powers in every district head-quarters town is vested with the power to hear appeals under section 407, Criminal Procedure Code?

If the officers mentioned above have not the power to hear appeals under section 407, Criminal Procedure Code, will the Government be pleased to invest them with such powers to be exercised at least during the absence, on tour, of the District Magistrates when a great hardship is felt in the matter of bail and admission of appeals by persons convicted by Magistrates of the second or third class?

The Hon'ble Mr. Carlyle replied:—

"Senior Deputy Magistrates enjoying first class powers in every district head-quarters town are not vested with the power to hear appeals under section 407, Criminal Procedure Code.

"Government does not consider it necessary to invest such officers generally with powers to hear such appeals, as it holds that the hearing of appeals is an important part of a District Magistrate's duties. In special cases, this general rule of confining appellate powers to the District Magistrate has been and will be relaxed."

SUBORDINATE EXECUTIVE SERVICE.

The Hon'ble Mr. Syed Shurfuddin asked:—

Will the Government be pleased to give a statement showing the names and qualifications of the applicants, during the year 1906, from Bihar and Chota Nagpur, for appointments in the Provincial and Subordinate Branches of the Executive Service?

Will the Government be pleased to state also which of the applicants were successful, and which not; and the grounds on which the applications of the unsuccessful candidates were rejected?

And, in the case of Bengalee candidates, will the Government be further pleased to mention against their names whether they are domiciled in Bihar or Chota Nagpur, as the case may be, or otherwise?

The Hon'ble Mr. Carlyle replied:—

"Government regrets that it cannot fully comply with the request of the Hon'ble Member to lay on the table a statement showing the names and qualifications of the applicants, during the year 1906, from Bihar and Chota Nagpur for appointments in the Provincial and Subordinate branches of the

[*Mr. Carlyle.*]

Executive Service, and to state which of them were successful and which not, and the grounds on which the applications of the unsuccessful candidates were rejected. It is most undesirable to publish the names of unsuccessful candidates, and still more (from their own point of view) to explain why they were unsuccessful.

"A statement showing the number of candidates in 1906 from Bihar and Chota Nagpur, with the number of Bengalis domiciled in Bihar or Chota Nagpur, is laid on the table.

"A statement containing the names of the successful candidates from Bihar and Chota Nagpur is also laid on the table. In the case of Bengalis domiciled in these places, the fact has been noted (as far as is known).

"Another statement showing the distribution of the new appointments amongst the different communities in the Province is also laid on the table.

"The last two statements refer to candidates appointed by Government direct and not by promotion from other services."

Statement showing the number of candidates from Bihar and Chota Nagpur during 1906.

From		No.	
Bihar	...	82	of these 10 are domiciled Bengalis.
Chota Nagpur	...	17	of these 5 are domiciled Bengalis.

Statement showing the names of successful candidates from Bihar and Chota Nagpur.

DEPUTY MAGISTRATES.

BIHARIS.

Hindus

1. Babu Madheswar Singh.
2. „ Mukutdhari Singh, B.L.
3. „ Braja Nandan Singh, B.L.
4. „ Shyam Narayan Singh, B.A.
5. „ Ranjit Prasad, B.A.

Muhammadans.

1. Maulvi Chaudhuri Muhammad Nasir Alam, B.A.
2. „ Saiyid Hamid-ud-din Ahmad, B.A.

CHOTA NAGPURIS.

Hindus.

1. Babu Akhouri Gopi Kishore Lal, B.A.
2. „ Pulin Behari Aikath, B.A. (domiciled).

SUB-DEPUTY COLLECTORS.

BIHARIS.

Hindus.

1. Babu Satish Chandra Upadhay, M.A.
2. „ Jahnavi Prasad, B.A.
3. „ Jadubunsha Sahay, B.A.
4. „ Gaya Prasad Singh, B.A.
5. „ Surjya Narayan Singh, B.A.
6. „ Jug Dutt, B.A.
7. „ Kahitish Chandra Sen, B.A. (domiciled).

Muhammadans.

1. Maulvi Ali Ahmad, M.A.
2. „ Saiyid Muhammad Rafiq-ul-Alam, B.A.
3. „ Kazi Abdul Waheb, B.A.
4. „ Saiyid Muhammad Ali Husain, M.A.
5. „ Safdar Husain, B.A.
6. „ Saiyid Amanat Husain, B.A.

[*Asif Kadr Saiyid Wasif Ali Mirza; Mr. McIntosh.*]

CHOTA NAGPURIS.

Hindus.

1. Babu Lal Biswanath Sharan Singh.
2. „ Hari Das Chakrabatti, B.L.
3. „ Sarat Chandra Masumdar, B.A.
4. „ Nalinindra Lal Bose, B.A.

} Domiciled.

Uraon.

1. Babu Dhanmassi Panna, B.A.

Statement showing the distribution of new appointments amongst the different communities in the Province.

DEPUTY MAGISTRATES.

	Hindus.	Muhammadans		
Bengalis	11 (*a*)	5	=	16
Biharis	5	2	=	7
Chota Nagpuri	1	0	=	1
Uriyas	2	2	=	4
Native Christians	...	...		3
Europeans and Eurasians	..			9
				40

SUB-DEPUTY COLLECTORS.

	Hindus.	Muhammadans		
Bengalis	34 (*b*)	2	=	36
Biharis	6	6	=	12
Chota Nagpuri	1	0	=	1
Uriyas	4	0	=	4
Native Christians	...	...		2
Eurasian	...	...		1
Uraon	...	...		1
				57

(*a*) Includes one domiciled in Chota Nagpur.
(*b*) Do. in Bihar and three in Chota Nagpur.

PAUPER WARDS.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked:—

Will the Government be pleased to state whether the proposals of Government made in its Resolution No. 4146Medl., dated the 9th November, 1896, regarding the opening of separate pauper wards in the large dispensaries in Bengal, and the Circular of the Inspector-General of Civil Hospitals, dated the 8th March, 1898, regarding the establishment of separate wards for the accommodation of both moribund and pauper patients, have been acted upon?

If not, will the Government be pleased to draw the attention of local bodies and managing committees of dispensaries to give effect to the said proposals?

The Hon'ble MR. MCINTOSH replied:—

"The orders in question have not been lost sight of. They are gradually being acted upon as funds permit. It has been ascertained that since they were issued, pauper and moribund wards have been provided in 48 dispensaries. Government attaches much importance to the provision of such wards, and a Circular will be issued to local bodies again drawing their attention to the matter."

[*Asif Kadr Saiyid Wasif Ali Mirza; Mr. Carlyle; Mr. McIntosh.*]

COTTON CULTIVATION.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked:—

Will the Government be pleased to state what, if any, steps are being taken by it for the development of cotton growing in this Province, in accordance with any scheme that might have been suggested by any experts?

The Hon'ble MR. CARLYLE replied:—

"In this connection the Hon'ble Member is referred to the answers given to the Hon'ble Babu Ambika Charan Mazumdar at the Council Meeting of the 2nd December, 1905, and to the Hon'ble Babu Jogendra Nath Mukherjee at the Council Meeting of the 17th February, 1906.

"No scheme for the development of cotton cultivation in this Province has yet been drawn up by an expert.

"During the current season the Director of Agriculture has arranged for the cultivation of about 100 acres in the Sonthal Parganas and Singhbhum districts with *Buri* cotton, a variety which has given considerable promise, with a view to making it known among cultivators who understand how to grow cotton, and with a view to the production of a quantity of reliable seed for distribution next year. Plant selection is now being carried out at both centres with a view to ultimate improvement.

"Brief instructions for the cultivation of cotton have also been circulated by the Agricultural Department, and seed distributed from the Departmental seed-store."

VILLAGE ROADS.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked:—

Has the Government received any complaints regarding the condition of village roads in Bengal? If so, will the Government be pleased to draw the attention of District and Local Boards to the need of keeping them in proper repairs?

The Hon'ble MR. MCINTOSH replied:—

"No complaints of a general nature have been received by Government. District Boards are only responsible for the up-keep of such 'village roads' as are vested in them or have been placed under their administration and control. Their obligations in this respect are well known to the District Boards, and the issue of special instructions to them is not considered necessary."

CHARITABLE DISPENSARIES.

The Hon'ble ASIF KADR SAIYID WASIF ALI MIRZA, of Murshidabad, asked:—

Is it a fact that in some Charitable Dispensaries under the management of Government or Local Bodies, during hospital hours and in the absence of the Medical Officer in charge, prescriptions are prepared and medicines dispensed by compounders, and the cases subsequently entered in the dispensary Attendance Register by the Medical Officer from memoranda kept by the compounder? If so, will the Government be pleased to take necessary steps to prevent such practice?

The Hon'ble MR. MCINTOSH replied:—

"No instance of patients being treated or prescribed for by a compounder otherwise than as laid down by the rules has been brought to the notice of Government or the Inspector-General of Civil Hospitals. Compounders are forbidden to prescribe for patients on their own responsibility. The only exception to this rule is, when the Medical Officer in charge is unavoidably absent for a brief period owing to sickness or other cause, and on such occasions a compounder is only permitted to render first aid for the immediate relief of a patient, or to dispense stock medicines, or to repeat medicines previously prescribed by the Medical Officer in charge."

[*Babu Bhupendra Nath Basu; Mr. McIntosh; Babu Radha Charan Pal.*]

INCREASE OF INTOXICANTS.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Will the Government state what steps are being taken to check the alarming increase in the consumption of intoxicants in Bengal, as shown in the Report of the Commissioner of Excise for 1905-1906?

The Hon'ble MR. MCINTOSH replied:—

"The Committee appointed by the Government of India to examine the systems of Excise administration in the different provinces has recently submitted its report to the Government of India. When the Local Government receives the Committee's report, it will consider what changes are required in the system in force in this province."

EXCISE INQUIRY COMMITTEE.

The Hon'ble BABU BHUPENDRA NATH BASU asked:—

Can any information be furnished regarding the recommendations of the Excise Inquiry Committee of the Government of India alluded to in the Report of the Commissioner of Excise, so far as they apply to Bengal?

The Hon'ble MR. MCINTOSH replied:—

"The report of the Excise Committee has not been published yet, and Government is unable to give any information about it at present."

DRAINAGE OF THE CALCUTTA FRINGE AREA.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Is the Government aware of the insanitary and water-logged condition of the area, between the Circular Road and the canal on the east of Calcutta, known as the fringe area, and of the repeated complaints, since its amalgamation with Calcutta proper in 1888, of the rate-payers residing in that area, who pay the same rates with their fellow-rate-payers of the Town proper, without receiving the same advantages?

(*b*) In view of the urgency of effective drainage of the above area, has the Government come to any decision as to whether it should permit the storm-water from that area to flow into the canal, as it used to do before canalization by Government of the channel?

(*c*) If no decision has yet been arrived at, will the Government be pleased to state when it is likely to come to a decision on the subject?

(*d*) Considering that considerable difficulties have arisen in draining the area in question owing to the stoppage of the flow of storm-water into the canal and the present unsuitability of the intercepting sewer, which was built at the instance of the Government, will the Government be pleased to make a substantial contribution to the funds of the Corporation to enable that body to relieve the aggrieved rate-payers by constructing suitable drainage works?

The Hon'ble MR. MCINTOSH replied:—

"Government is aware of the unsatisfactory state of the drainage of the area referred to. The proposal to permit the discharge of the surface water of this area into the Circular Canal was referred to a Committee, of which the Hon'ble Mr. Collin was the President, and the Sanitary Commissioner, Bengal, and the Health Officer of the Corporation were the members. The Report of the Committee has lately been received and is adverse to the proposal on sanitary grounds. The surface storm water cannot be permitted to enter the canal, as Government is advised that this would be dangerous to health.

"It is not proposed that Government should contribute towards the cost of the drainage operations."

[*Babu Radha Charan Pal; Mr. McIntosh.*]

INFANT MORTALITY IN BENGAL.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) As a means to prevent the yearly increasing waste of infant life in Bengal, it is said in the Report of the Sanitary Commissioner for Bengal, for 1905, that Government caused two leaflets, containing simple instructions about the feeding and the rearing up of children and prescribing the diet of Indian mothers after child-birth, to be prepared and distributed broadcast for the education of the general public in these matters.

Have similar leaflets been circulated in the present year, and is the Government in a position to say how far these leaflets have produced the desired effect?

(*b*) May I ask what other measures the Government have taken or intend to take for the reduction of the percentage of infant mortality in Bengal?

The Hon'ble MR. MCINTOSH replied:—

"The leaflets were distributed towards the close of last year and in the earlier part of this year. Government is not in a position to say what effect if any, they have had, but the subject will again doubtless be dealt with by the Sanitary Commissioner in his next Annual Report. It cannot be expected that they will have an immediate effect, though in time they may do some good by helping to remove old prejudices."

CHOLERA AND SEPTIC TANKS.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Considering that there has been an abnormal rise in cholera mortality, has the Government ascertained how far this is due to the rapidly increasing number of septic tanks in Bengal?

The Hon'ble MR. MCINTOSH replied:—

"The Hon'ble Member has not mentioned the localities in which he believes there has been an abnormal rise in cholera mortality. Government is not aware that there has been any rise in the mortality from cholera which could in any way be due to septic tank installations."

LOWIS JUBILEE SANITARIUM.

The Hon'ble BABU RADHA CHARAN PAL asked:—

(*a*) Has the attention of the Government been drawn to the paragraphs published in the "Bengalee" of the 27th ultimo, on the proposed Phthisical Ward at the Lowis Jubilee Sanitarium?

(*b*) Is it not a fact that three eminent medical authorities and two experienced Divisional Commissioners, consulted by Government, were in favour of the construction of this ward?

(*c*) Did not the Government also approve of the construction of this ward on its present site?

(*d*) Now that the ward has neared its completion, and as the abandonment of the design at the present juncture will mean the throwing away of so much money and labour, will the Government be pleased to state what final decision it has arrived at in regard to this matter?

The Hon'ble MR. MCINTOSH replied:—

"The attention of the Government has been drawn by the Hon'ble Member to the article in the *Bengalee* to which he refers. That article contains a very misleading statement of the history of the case regarding this proposal to have a phthisical ward at the Lowis Jubilee Sanitarium at Darjeeling.

[*Mr. McIntosh; Babu Radha Charan Pal; Mr. Richardson; Mr. Carlyle.*]

"The question is one of very great importance to the patients themselves and to the public. An endeavour is being made, in consultation with the Committee of the Sanitarium and with medical officers, to arrive at a decision which will be in the interests of the patients and of the public. But the Government has not arrived at a final decision in regard to it; and the matter is still under consideration."

PRESIDENCY COLLEGE.

The Hon'ble BABU RADHA CHARAN PAL asked:—

Will the Government be pleased to state whether it is in its contemplation to remove the Presidency College from its present site to a place outside Calcutta?

The Hon'ble MR. RICHARDSON replied:—

"The Government has no intention whatever of removing the Presidency College from Calcutta. That was decided long ago; and the Government has since been considering, in consultation with Educational Officers and others interested in the Presidency College, the question of improving that institution. It has been strongly urged by some, that the college should be removed from its present site to one of the suburbs of Calcutta. The main object of this proposal is to obtain more room for extension of the college buildings and for hostels. The Government, however, as at present advised, is in favour of retaining the present site, and gradually acquiring land, as funds permit, for the improvement of the college. At the same time the Lieutenant-Governor has thought it right to hear any arguments that might be advanced in favour of a change of site within Calcutta or its suburbs. He has invited opinions, and will decide the question when these opinions have been considered."

THE BENGAL TENANCY (AMENDMENT) BILL, 1906.

The Hon'ble MR. CARLYLE moved that the Bill to amend and supplement the Bengal Tenancy Act, 1885, be referred to a Select Committee consisting of the Hon'ble Mr. Slacke, the Hon'ble Mr. Gordon, the Hon'ble Asif Kadr Saiyid Wasif Ali Mirza, the Hon'ble Raja Ban Behari Kapur, the Hon'ble Babu Bhupendra Nath Basu and the Mover.

The motion was put and agreed to.

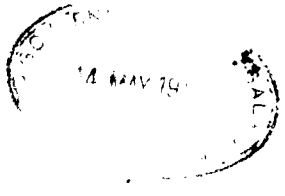
THE BENGAL LOCAL SELF-GOVERNMENT (AMENDMENT) BILL, 1906.

The Hon'ble MR. MCINTOSH moved that the Bill to amend the Bengal Local Self-Government Act of 1885 be referred to a Select Committee consisting of the Hon'ble Mr. Slacke, the Hon'ble Mr. Inglis, the Hon'ble Babu Jogendra Nath Mukherjee, the Hon'ble Babu Jogendra Chandra Ghose and the Mover.

The motion was put and agreed to.

The Council was then adjourned to Saturday, the 12th January, 1907.

CALCUTTA;
The 20th December, 1906.

L. C. ADAMI,
Offg. Secretary to the Bengal Council.

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